

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the License of
Christopher Sohm

KSDE No. 22-PPC-03
OAH No. 22ED0011 ED

FINAL ORDER

NOW, on the 11th day of July 2023, the above-captioned matter comes for consideration by the Kansas State Board of Education (Board). Appearing for the Board are Chairwoman, Melanie Haas, and members, Betty Arnold, Dennis Hershberger, Michelle Dombrosky, Cathy Hopkins, Deena Horst, Jim McNiece, Ann Mah, Jim Porter and Danny Zeck.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on November 18, 2022 and was completed December 16, 2022. Licensee appeared by and through counsel Blake A. Bittel. The Kansas State Department of Education appeared through its attorney, R. Scott Gordon. After reviewing the evidence, the Commission voted **7 – 0**, to recommend the Board suspend Christopher Sohm’s professional teaching license for a definite period of time to conclude at the end of the 2023-2024 school year.

WHEREUPON the Board reviewed all of the evidence in the case, including the exhibits that were offered by the parties and admitted during the Commission’s hearing. The evidence included the redacted information and other material presented under seal due to the sensitive nature of evidence that was intended to prevent disclosure of students, including several video recordings.

WHEREUPON the Board reviewed the following documents and supplemental materials in the case:

1. Formal Complaint in 22PPC03
2. Answer to Complaint filed by Licensee
3. Exhibits admitted and reviewed by the Professional Practices Commission
4. Initial Order of the Professional Practices Commission
5. Petition for Review and Request for Oral Argument submitted by Kansas State Department of Education
6. Licensee’s Response to KSDE Petition
7. KSDE Rebuttal
8. Petition for Review and Request for Oral Argument submitted by Licensee
9. KSDE Response to Licensee Petition
10. Licensee Rebuttal

WHEREUPON the Board permitted oral argument from counsel for the parties.

WHEREUPON Board Attorney Mark Ferguson explained to the Board that oral arguments have been requested by both parties and that Executive Session will be necessary after the oral arguments are presented. In addition to the briefing provided by both parties adhering to all deadlines, the Board was provided video access to the previous hearing, extensive documentation/evidence that was provided under seal and not part of public record. KSDE appeared by and through its general

counsel R. Scott Gordon. Licensee Christopher Sohm appeared in person and with his attorney Blake Bittle.

WHEREUPON after both parties presented their oral argument Mr. Porter moved to recess from public meeting to executive session as a quasi-judicial body for the purpose of deliberations on the Licensure Matter designated as PPC case no 22-PPC-03. Dr. Horst seconded. Motion carried 10-0. Invited into the executive session is Commissioner Watson and Board Attorney Ferguson.

WHEREUPON the Board recessed into executive session at 5:10 p.m. for the purpose of deliberation for 20 minutes. At 5:41 p.m. the Board returned to open session after deliberations in private for 20 minutes and an extension of 10 minutes.

WHEREUPON after concluding the executive session the Board returned to the open meeting. Board members described their detailed and extensive review of the record, including watching the videos provided and reviewing the documents and briefing submitted. The Board did not feel that the request of KSDE to revoke the license was warranted; nor was the request of the Licensee to reject discipline and grant a license was warranted. Ultimately, after significant discussion, the Board supported the compromise decision arrived at by the PPC. The Board expressed appreciation for the hard work performed by the PPC in licensure cases in general, and in this case specifically. Ultimately, after significant discussion and debate on the issues and facts in this case, the Board relied upon the recommendation of the PPC.

WHEREUPON the Board took formal action through discussion and deliberations of the PPC initial order, the requests of the parties and the evidence in the PPC matter.

WHEREUPON Mr. Hershberger moved that the Kansas State Board of Education adopt the findings of fact and conclusions of law of the Professional Practices Commission and suspend the professional license in case 22-PPC-03 through the remainder of 2023-2024 school year. Dr. Horst seconded. Motion carried 9-1 with Mrs. Arnold in opposition.

WHEREUPON the Board reviewed the Commission's Initial Order. All findings set forth in the Commission's Initial Order attached hereto are incorporated by reference and made a part of this Final Order as though fully set forth at length herein.

IT IS THEREFORE CONCLUDED by the Kansas State Board of Education that Christopher Sohm's professional teaching license is suspended for a definite period of time to conclude at the end of the 2023-2024 school year which shall be reflected as May 17, 2024 since that is the last day of school for the Spearville school district.

This Final Order is made and entered this 13th day of September 2023.

Kansas State Board of Education



BY: Melanie Haas, Chairwoman
Signed September 13, 2023

NOTICE TO LICENSEE/APPLICANT

This is a Final Order and is effective upon service.

To request reconsideration of this order, you must file a Petition for Reconsideration with the Secretary to the State Board of Education, at the address below, within 15 days after service of this Final Order. The Petition must state the specific grounds upon which relief is requested.

To request a stay of effectiveness of this order, you must file a Petition for Stay with the Secretary to the State Board of Education at the address below. A petition can be filed until the time which a petition for judicial review would no longer be timely.

To seek judicial review of a Final Order, you must file a petition in the District Court as authorized by K.S.A. 77-601, *et seq.* within 30 days following the service of the Final Order. Filing a Petition for Reconsideration is not a prerequisite for seeking judicial review. A copy of any Petition for Judicial Review must be served upon the Secretary to the State Board of Education at the address below.

Makayla Auldridge,
Interim Secretary,
Kansas State Board of Education
Landon State Office Building
900 SW Jackson Ave. Suite 600N
Topeka, Kansas 66612


CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of September 2023, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Blake A. Bittel
Kennedy Berkley Law Firm
119 W. Iron Ave, 7th Floor
P.O. Box 2567
Salina, Kansas 67402

And via interoffice mail to:

R. Scott Gordon
Kansas State Department of Education
900 SW Jackson Street, Ste. 102
Topeka, Kansas 66612


Mark A. Ferguson,
Board Attorney, for
Makayla Auldridge,
Interim Secretary
Kansas State Board of Education

BEFORE THE KANSAS STATE DEPARTMENT OF EDUCATION
PROFESIONAL PRACTICES COMMISSION

In the Matter of
the License of
Christopher Sohm

Case No. 22-PPC-03

OAH No. 22ED0011 ED

INITIAL ORDER

Recommendation

Having heard the testimony of the witnesses, considered the evidence presented, reviewed the applicable statutes, regulations and policies, and otherwise being duly and fully informed in the premises of this matter, the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) on a vote of 7 to 0 recommends to the Kansas State Board of Education that the Complaint filed by KSDE seeking to revoke the teaching license of Christopher Sohm (Sohm) be denied and that in the alternative Sohm's license be suspended through the conclusion of the 2023-2024 school year.

Statement of Case

This matter comes on for hearing before the Commission upon the Complaint filed by the KSDE on April 20, 2022, seeking revocation of Sohm's teaching license and endorsements.

The hearing was started on November 18, 2022, and was completed on December 16, 2022.

Appearing for the Commission were Chairperson, Jennifer Holt, and members Eric Filippi, Aaron Edwards, Jamie Wittig, Caroline Spaulding, Christy Ziegler, and Ricardo Sanchez.¹

Sohm appeared in person and with counsel Blake A. Bittel.

KSDE appeared by and through R. Scott Gordon, General Counsel.

Evidentiary Rulings

An Amended Prehearing Order was issued on August 18, 2022. Said Prehearing Order is incorporated herein by reference. Parties were instructed to file any objections to the opposing party's proposed exhibits by November 11, 2022. Neither party objected to the other party's proposed exhibits. Therefore, KSDE Exhibits A, B and C were admitted. Licensee's Exhibits 1 through 9 were admitted.

¹ Darin San Romani appeared for part of the hearing conducted on November 18, 2022, and Leigh Anne Rogers appeared for all of the hearing conducted on December 16, 2022. Since neither of them were present for the entire hearing, neither participated in the deliberations or final vote.

Findings of Fact

1. As of the date of the Complaint filed in this matter, Sohm held a professional teaching license, having been licensed since 2001.
2. Sohm was employed by Spearville High School (SHS) as a teacher and an athletic coach until April of 2021.
3. Kevin Rueb (Rueb) was the principal of SHS during the 2020-2021 school year.
4. On or about March 25, 2021, K.R., a student at SHS, met with Rueb and reported concerns she had with Sohm. According to Rueb's notes, K.R. reported:
 - a. Sohm was constantly making comments about K.R.'s body.
 - b. Sohm "bit" K.R.'s finger and arm.
 - c. Sohm sat on K.R.'s lap.
 - d. Sohm was constantly touching K.R.
 - e. Sohm told K.R. "he was going to put his foot up her butt and turn it sideways."
 - f. Sohm touches other young girls besides K.R.
 - g. Sohm told K.R. "he was going to put his mouth over her nose and suck."
 - h. Sohm got close to K.R.'s face without a mask during the time when masks were mandated.
 - i. Sohm "stabbed" K.R. in the ribs with a key.
 - j. Sohm whispers in K.R.'s ear.
 - k. Sohm has touched another student's butt.
 - l. Sohm bit another student on the arm.
 - m. Sohm threatened to "bend her over and forward to backward."

[KSDE Ex. B, page 052].

5. Rueb spoke to eleven (11) students on March 25, 2021, including K.R. Rueb prepared a report of his notes from the meetings with each student. [KSDE Ex. B, pages 047-61]. Rueb acknowledged that he did not include the school counselor in these discussions, although the counselor was present at school that day.

6. Rueb testified he met with the superintendent of the school district and then met with Sohm, at which time Sohm was suspended.

7. Rueb got a statement from Sohm in which Rueb testified that Sohm did not deny what was done but categorically denied any sexual intent. Rueb testified that Sohm acknowledged placing a student's fingers in his mouth, rubbing students' backs, and sitting on laps, but stated he was just joking around.

8. Rueb testified he took his concerns to the school board. The original recommendation was to end the suspension and allow Sohm to return to the classroom; however, more than one (1) board member recommended that Rueb speak to Sohm and give him an opportunity to resign or be terminated by the board at the next meeting.

9. Rueb testified that he wrote a letter of reference for Sohm as part of the separation agreement; however, Rueb stated he would not write the letter for Sohm if he had an opportunity to do it over. [Licensee Ex. 2]. Rueb testified he was asked by Sohm to write another letter and after speaking to counsel, was advised not to do so.

10. K.R. is a student at SHS.

11. K.R. told Rueb about the problems she was having with Sohm.

12. K.R. testified that she frequently was subjected to unwanted touching from Sohm – touched her on a daily basis in ways she would not want from a grown man (i.e., neck, arms, rubbed shoulders, and sat on her lap on two (2) occasions) and it made her uncomfortable.

13. K.R. testified that Sohm repeatedly poked her with a “key thing” in the back of her ribs and between her neck and collarbone.

14. K.R. testified she went to ask Sohm for help and he grabbed her hand and bit her finger.

15. K.R. testified that she asked Sohm if she could return a library book and he responded, “Can I bend you over and work you backwards and forwards?” K.R. testified that she assumed this was meant in a sexual way. K.R. testified she was in shock and could not believe a grown man would ask that.

16. K.R. testified she first reported this behavior to Rueb in March of 2021, but it had started at the beginning of the school year. K.R. testified she was afraid of retaliation from Sohm and his wife, Trisha Sohm (TSohm).

17. K.R. testified that Sohm acted differently when adults would come into his classroom.

18. K.R. testified, and her mother R.R. confirmed, that K.R. did not tell her parents about Sohm until after she talked to Rueb.

19. K.R. testified that she spoke to a social worker from the Kansas Department for Children and Families (DCF). R.R. testified that she did not want K.R. to speak to DCF but allowed it to happen because DCF kept asking.

20. R.R. testified she had one (1) son and three (3) daughters that had all attended SHS, and none of her children complained that Sohm made them uncomfortable until K.R.

21. Patrick Crowdis (Crowdis) was the principal at SHS, as well as the middle school from 2009 until 2019. Crowdis testified he hired Sohm and supervised him. Crowdis testified he never saw inappropriate behavior between Sohm and a student and did not see Sohm do anything that was alleged by the students.

22. Crowdis testified that a teacher rubbing the shoulders of a student, poking a student, or placing a student's fingers in the teacher's mouth, even if the teacher was just joking, would be unprofessional. Crowdis testified it would be inappropriate for a teacher to comment on a student's rear end or to call a student "sexy."

23. Sohm testified that he would touch students, such as rubbing shoulders to relieve tension before a test; however, he never put his hands on students for an extended period of time.

24. Sohm testified that he never got a verbal or physical clue that any of his students were uncomfortable with him.

25. Sohm testified that he told student "If you don't get your fingers out of my face I'm going to bite you," but had his COVID-19 mask on and may have brushed the student's hand with his masked mouth.

26. Sohm acknowledged he may have jokingly sat on a student's lap and that it was "stupid" and "goofy."

27. Sohm testified that he did not recall jabbing a student with keys and that he never called a student "sexy."

28. Sohm testified that he does not touch students now, other than a fist bump or a high five, and that if he touches a female student at all he apologizes.

29. Sohm testified that he did not believe anything he did was inappropriate, but he no longer does anything like that because he does not want to be accused of inappropriate contact.

30. TSohm testified that K.R. approached her during cheer practice and told her K.R. knew Sohm was just joking around and that K.R. was told by another student to tell Rueb. TSohm testified that she thought another student, M.H., forced K.R. to make the report and that M.H.'s family did not like Sohm.

31. TSohm testified that Sohm would send K.R. to her classroom because K.R. would not leave Sohm alone.

32. TSohm testified that Sohm had denied that there was any sexual intention and denied biting a student's fingers.

33. Briseida Armendariz (Armendariz) is employed by DCF as an investigator. Armendariz participated in interviews concerning the allegations made against Sohm. The Chief of Police of the Spearville Police Department, Stephen Strain (Chief Strain), also participated in the interviews.

34. Once the investigation was complete, Armendariz and DCF staff concluded that the facts did not support a finding that Sohm had committed sexual abuse of K.R. A Notice of Department Findings was issued on June 22, 2021, finding that the allegations of sexual abuse were unsubstantiated. [Licensee Ex. 1]. Armendariz testified that the facts did not meet the definition as set forth in the statute. Armendariz also testified that in reviewing the matter DCF staff concluded that K.R. and the students were safe and noted that Sohm was no longer teaching at SHS.

35. Chief Strain testified that he was interviewing the matter to determine if a crime had occurred.

36. Chief Strain interviewed the students who had made allegations against Sohm, with the exception of K.R., whose parents would not allow her to be interviewed.² Chief Strain testified that there were no inconsistencies between Rueb's notes and the statements made to him by the students.

37. Chief Strain testified he interviewed Sohm.³ Chief Strain testified that while interviewing Sohm, Sohm acknowledged that he understood the allegations. Sohm admitted to Chief Strain that he had touched the students, although reportedly could not recall how and denied that anything sexual had happened.

38. Chief Strain testified that the female students he interviewed thought it was "creepy."

39. Chief Strain did not believe there was any sexual intent by Sohm and did not believe there was probable cause for criminal charges to be filed. Chief Strain acknowledged he did not consider the matter to determine if it was professional misconduct.

40. Chief Strain testified that he believed the students would be safe, since Sohm was no longer at the school.

41. Chad Rhoades (Rhoades) drove the activity bus for SHS and served as substitute teacher for a period of time during Sohm's time at SHS. Rhoades testified he never saw Sohm do anything inappropriate, or non-professional and his daughters never raised any concerns about Sohm.

² Chief Strain testified that K.R. was interviewed by DCF staff at a later date, and he was not present.

³ Chief Strain testified he interviewed Sohm without anyone else present, other than Sohm's wife, TSohm.

42. Connie Heskamp (Heskamp) was a teacher at SHS during Sohm's tenure with SHS. Heskamp's child was interviewed as part of the initial report and the investigation by DCF. Heskamp testified her children never complained to her or her husband about Sohm. Heskamp testified that she had not observed Sohm in the classroom, but that she believed Sohm was a jokester and was joking around and didn't mean anything by what he had done.

43. Carla Gleason (Gleason) was a paraprofessional and secretary at SHS during the time Sohm taught at SHS. Gleason testified she observed Sohm in the classroom and never observed Sohm do anything inappropriate. Gleason testified that if an activity made a student feel uncomfortable, it may be inappropriate. Gleason left SHS in 2018 and was not present during the time when the incidents were alleged to have occurred.

44. Matt Fowler (Fowler) was a teacher with Sohm at SHS until 2018. Fowler testified he had observed Sohm in the classroom and on the activity bus and never saw Sohm do anything inappropriate. Fowler testified that it would be inappropriate to poke a student in the ribs, place a student's fingers in the teacher's mouth, or to sit on a student's lap.

45. Andrew Kempke (Kempke) was a teacher at SHS and taught with Sohm. Kempke was also an assistant football coach, assistant boys basketball coach and head girls basketball coach. Kempke testified he had traveled with Sohm on the activity bus. Kempke testified he had not observed Sohm do anything inappropriate.

Conclusions of Law

1. The Kansas State Board of Education ("State Board") is responsible for the general supervision of education, including the certification and licensure of teachers, in Kansas.⁴

2. K.A.R. 91-22-1a(a) provides, in pertinent part, that "[a]ny license issued by the state board **may** be suspended or revoked, or the license holder may be publicly censured by the state board for misconduct or other just cause."

3. KSDE sought revocation of Sohm's license for engaging in "professional misconduct" which was alleged to have included "sucking on and biting on the finger of a female student for no educational purpose and for engaging in unwanted touching of several students which led to them feeling uncomfortable and afraid."

4. While Sohm points to the conclusions by DCF and the Spearville Police Department that Sohm was unsubstantiated for sexual abuse and no criminal charges were warranted, the purpose of the Commission in these types of cases is different. The fact that DCF unsubstantiated Sohm for sexual abuse does not guide the recommendation of the Commission, although it may be considered during deliberations. The same is true as relates to the decision not to pursue criminal charges.

⁴ Kan. Const., Art. VI and K.S.A. 2017 Supp. 72-255.

5. The Commission recognizes that the KSDE is obligated to ensure that the health, safety, and welfare of students are not placed at risk by licensed educators. Having considered the testimony and evidence presented, the Commission simply does not reach the same conclusion as KSDE. The evidence does not support, as was noted by the DCF witness and Chief Strain, that the actions were sexually motivated; however, the decision before the Commission is not whether it was sexually motivated, but rather if it constituted professional misconduct. The Commission, as well as the witnesses testifying on behalf of Sohm, agree that the actions of Sohm, as described by the student(s) was unprofessional and therefore unacceptable. The evidence has established that Sohm, while apparently a good teacher in the eyes of his peers, was not professional at all times.

6. The Commission does note concern regarding Sohm's apparent failure to recognize the unprofessional nature or wrongfulness of his conduct and to recognize the impact that it had on the students at Spearville High School. The Commission is concerned by Sohm's failure to recognize the appropriate boundaries that must be in place between a teacher and a student to protect the well-being of the student.

7. The Commission, in determining whether to recommend to the Board that an individual's application should be granted, is required to determine the extent of the applicant's efforts at rehabilitation as well as the fitness of the applicant to be a member of the teaching profession.⁵ The Commission has applied these same principles when considering whether a teacher's professional license should be revoked.

8. The Commission felt that Sohm has failed to express remorse for the impact his actions may have had on the students at Spearville High School, instead blaming family members for conspiring against him to have him removed as a teacher. It was noted that since the incidents occurred, there has been no action by Sohm to indicate he had addressed the impact those actions had on his former students.

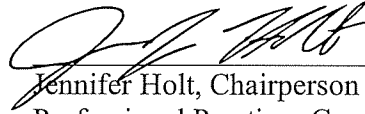
9. The Commission further noted that although Sohm had failed to recognize the wrongfulness of the activity that he engaged in, his testimony was compelling that he had changed his behavior around students, particularly female students, to avoid the possibility of facing similar allegations.

10. While the Commission disagreed with the KSDE recommendation that Sohm's license be revoked, the Commission did conclude that discipline was warranted and should be imposed. The Commission felt that based upon the evidence presented, Sohm would be suitable to be placed in a position of trust and could be a suitable role model for students, after a period of suspension.

11. On a vote of seven (7) in favor and zero (0) opposed, the Commission recommends to the Kansas State Board of Education that the Complaint filed by KSDE seeking to revoke the teaching license and endorsements issued to Sohm be denied, and that in the alternative, Sohm's teaching license be subject to suspension for a definite period of time to conclude at the end of the 2023-2024 school year.

⁵ *Wright v. State Bd. of Educ.*, 268 P.3d 1231 (Kan.App. 2012).

IT IS SO ORDERED.



Jennifer Holt, Chairperson
Professional Practices Commission

NOTICE

This Initial Order of the Professional Practices Commission is not a Final Order and is required to be reviewed by the Kansas State Board of Education in accordance with the provisions of the Kansas Administrative Procedure Act.

You may submit to the Kansas State Board of Education for its consideration as a part of its review of the Initial Order, a written brief citing legal authority as to why the above recommendation should not be accepted. You must file the brief with the State Board Secretary at the address indicated below within **fifteen (15) calendar** days after service of the Initial Order for transmittal to the State Board. You must also make any request for oral argument at that time.

Barbara Hughes
Secretary, Kansas State Board of Education
900 SW Jackson Street,
Topeka, Kansas 66612

Response briefs are due within **ten (10) calendar days** after service of the legal brief upon the opposing party. Any reply brief is due **five (5) calendar days** after service of any response brief on the opposing party. Any response or reply briefs must also be filed with the State Board Secretary at the address indicated above.

Certificate of Service

On May 30th, 2023, I certify that a copy of the foregoing was placed in the United States first class mail, postage prepaid, addressed to:

Christopher Sohm
860 E. 1st Avenue
Russell, KS 67665

Christopher Sohm
409 Rosebud Circle
Andale, KS 67001

I further certify that I caused a copy of the foregoing to be served by facsimile to:

Blake A. Bittel
Kennedy Berkley Law Firm
119 W. Iron Ave., 7th Floor
P.O. Box 2567
Salina, KS 67402
Fax: (785) 825-5936

and I further certify that I caused a copy of the foregoing to be hand delivered to:

R. Scott Gordon, Attorney
Kansas State Department of Education
900 SW Jackson, Ste. 102
Topeka, KS 66612
Tel: (785) 296-3204


Marisa Seele, Secretary
Professional Practices Commission
Kansas State Department of Education
900 SW Jackson Street
Topeka, KS 66612-1182