

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Professional License
of Lori A. Layher

14-PPC-51

FINAL ORDER

NOW, on this 17th day of April, 2015, the above-captioned matter comes for consideration by the Kansas State Board of Education (Board) upon the professional license of Lori A. Layher.

WHEREUPON, a complaint was filed by the Kansas State Department of Education and Ms. Layher had the opportunity to respond to the complaint. Ms. Layher did not respond to the complaint. The complaint and supporting evidence were reviewed by the Professional Practices Commission (Commission).

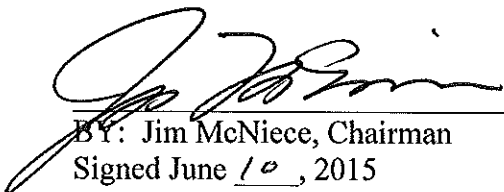
WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by Calin Kendall, Chairman of the Commission, who was available to answer the Board's questions and being otherwise duly advised in the premises, the Board adopted the Commission's findings of fact and conclusions of law by a vote of 10 - 0.

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 Lori A. Layher's teaching license and any endorsements shall be revoked immediately.

This Final Order is made and entered this 17th day of April, 2015.

Kansas State Board of Education


BY: Jim McNiece, Chairman
Signed June 10, 2015

NOTICE TO APPLICANT

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

The filing of a Petition for Reconsideration is not a prerequisite for seeking judicial review.

Peggy Hill
Secretary, KSBE
Landon State Office Building
900 SW Jackson Ave. Suite 600N
Topeka, Kansas 66612

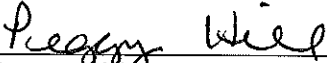
CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of June, 2015, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Lori A. Layher
15111 S. 1250 Road
Bronaugh, Missouri 67428

And via interoffice mail to:

Kelli M. Broers
Attorney, Kansas State Department of Education
Landon State Office Building
900 SW Jackson Ave., Suite 102
Topeka, Kansas 66612



Peggy Hill, Secretary
Kansas State Board of Education

**BEFORE THE KANSAS STATE BOARD OF EDUCATION
PROFESSIONAL PRACTICES COMMISSION**

In the Matter of
the Professional License
of Lori A. Layher

14-PPC-51

INITIAL ORDER

COMES NOW the Professional Practices Commission on this 27 day of February, 2015, and makes the following recommendations to the Kansas State Board of Education.

FINDINGS OF FACT

1. The Kansas State Department of Education filed a Complaint pursuant to K.A.R. 91-22-5a on December 11, 2014 [Attached as Appendix I]. That Complaint was mailed by certified mail, return receipt requested, to the last known address of Lori A. Layher on December 12, 2014. The post office did not provide the return receipt. However, a review of the tracking information shows the package was delivered on December 17, 2014. Exhibit A.
2. Ms. Layher is currently licensed by the Kansas State Board of Education.
3. Ms. Layher was previously licensed as a teacher in the state of Missouri. On June 18, 2013, the Missouri State Board of Education met to consider Ms. Layher's signed Statement of Surrender of Teaching Certificate, and, based on that document voted to revoke Ms. Layher's teaching license. Exhibit 1 of the Complaint.
4. Ms. Layher's voluntary surrender was a condition of her plea in a Missouri case where she pled guilty to two class A misdemeanors of assault in the third degree. It is believed two male students were the victims. The crimes occurred while Ms. Layher was licensed to teach.
5. Ms. Layher did not file a Request for a Hearing nor did she submit an Answer. The Complaint specifically advises the Licensee that "If no answer is filed within 20 days, Applicant will be deemed to have admitted the allegations contained in the complaint and acquiesced in the proposed action. An Initial Order will be entered recommending the revocation of your teaching license and all endorsements for the reasons stated in the Complaint and that notice of the revocation will be provided to all education agencies in the State of Kansas and to the agency responsible for issuing educator licenses/certificates in each of the other states."

CONCLUSIONS

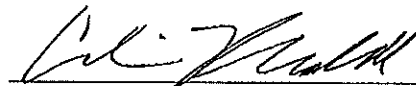
1. Pursuant to K.S.A. 72-8501, the Legislature has declared teaching and school administration to be professions in Kansas with all the similar rights, responsibilities and privileges accorded other legally recognized professions. An educator is in a position of public trust.
2. It is within the authority of the Kansas State Board of Education to adopt rules and regulations providing for the issuance, renewal, reinstatement and revocation of a license to teach.

3. By order of the Kansas State Board of Education, the Professional Practices Commission shall investigate and conduct hearings pertaining to allegations of misconduct.
4. Any 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. K.A.R. 91-22-1a.
5. Any applicant for licensure whose license has been suspended, canceled, revoked, or surrendered in another state shall not be eligible for licensure in Kansas until the applicant is eligible for licensure in the state in which the suspension, cancellation, revocation, or surrender occurred. K.A.R. 91-22-1a(f).
6. If no answer to a Complaint is filed within 20 days, Applicant is deemed to have admitted the allegations contained in the Complaint and acquiesced in the proposed action. K.A.R. 91-22-9.
7. Ms. Layher's conduct is inconsistent with the commonly-held perceptions and expectations of a member of the teaching profession. Such conduct violates the public trust and confidence placed in members of the profession. Furthermore, her conduct demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching and school administration professions and is sufficient and just cause for revoking Applicant's license pursuant to K.A.R. 91-22-1a.
8. Additionally, the revocation of Licensee's Missouri license is sufficient grounds to revoke her Kansas license pursuant to K.A.R. 91-22-1a(f).

IT IS THEREFORE CONCLUDED by the Professional Practices Commission, by a vote of 8-0, subject to review by the State Board of Education, that Lori Layher's professional teaching license should be revoked.

This Initial Order is made and entered this February 27, 2015.

PROFESSIONAL PRACTICES COMMISSION



Calin Kendall, Chairman

Order signed on 2/27, 2015.

NOTICE TO APPLICANT

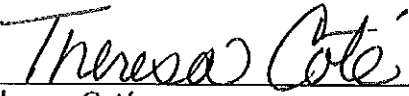
This Order of the Professional Practices Commission is not a Final Order and is required to be reviewed by the State Board of Education in accordance with the provisions of the Kansas Administrative Procedure Act.

You may submit to the State Board of Education for its consideration as part of its review of the Initial Order, a written brief citing legal authority as to why the above recommendation should not be accepted. The legal brief must be filed with the Secretary of the Professional Practices Commission at the address indicated above within ten days after service of the Initial Order for transmittal to the State Board.

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of March, 2015, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education and one (1) copy was mailed by certified mail, return receipt requested, to:

Lori A. Layher
15111 S. 1250 Road
Bronaugh, Missouri 67428



Theresa Coté
Secretary, Professional Practices Commission

**BEFORE THE KANSAS STATE BOARD OF EDUCATION
PROFESSIONAL PRACTICES COMMISSION**

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APPENDIX I

**BEFORE THE KANSAS STATE BOARD OF EDUCATION
PROFESSIONAL PRACTICES COMMISSION**

In the Matter of
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14-PPC-51

COMPLAINT

COMBS NOW on this 11th day of December, 2014, Scott Myers, Director of Teacher Licensure and Accreditation, Kansas State Department of Education, 900 SW Jackson St., Topeka, Kansas 66612, and alleges the following:

1. Under Kansas law, teaching and school administration to be professions in Kansas with all the similar rights, responsibilities and privileges accorded other legally recognized professions. An educator is in a position of public trust.
2. It is within the authority of the Kansas State Board of Education to adopt rules and regulations providing for the issuance, renewal, reinstatement and revocation of a license to teach.
3. Any license issued by the Kansas State Board of Education may be suspended or revoked, or the license holder may be publicly censured by the State Board for misconduct or other just cause. K.A.R. 91-22-1a.
4. Any applicant for licensure whose license has been suspended, canceled, revoked, or surrendered in another state shall not be eligible for licensure in Kansas until the applicant is eligible for licensure in the state in which the suspension, cancellation, revocation, or surrender occurred. K.A.R. 91-22-1a(f).
5. By order of the Kansas State Board of Education, the Professional Practices Commission shall investigate and conduct hearings pertaining to allegations of misconduct.
6. Lori A. Layher is currently licensed by the Kansas State Board of Education.
7. Ms. Layher was previously licensed as a teacher in the state of Missouri. On June 18, 2013, the Missouri State Board of Education met to consider Ms. Layher's signed Statement of Surrender of Teaching Certificate, and, based on that document voted to revoke Ms. Layher's teaching license. Exhibit 1.
8. Ms. Layher's voluntary surrender was a condition of her plea in a Missouri case where she pled guilty to two class A misdemeanors of assault in the third degree. It is believed that two male students were the victims. The crimes occurred while Ms. Layher was licensed to teach.
9. Ms. Layher's conduct is inconsistent with the commonly-held perceptions and expectations of a member of the teaching profession. Such conduct violates the public trust and confidence placed in members of the profession. Furthermore, her conduct demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching and school administration professions.
10. Ms. Layher's conduct and the revocation of her Missouri teaching license are grounds for revocation of her Kansas license pursuant to K.A.R. 91-22-1a.

11. It is requested that Ms. Layher's license be revoked.

NOTICE

Pursuant to K.A.R. 91-22-1a(h) and K.S.A. 77-512, notice is hereby given of this Complaint and Request for Revocation of Licensee's professional teaching license.

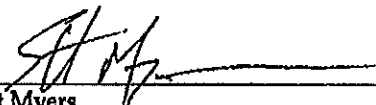
RIGHT TO A HEARING

Applicant has a right to request a hearing on the above issues and request for denial in accordance with the provisions of the Kansas Administrative Procedures Act. To obtain a hearing, a written request for a hearing must be filed with the Secretary of the Professional Practices Commission within fifteen [15] days of the date of service of this notice at the following address:

Theresa Coté
Secretary, Professional Practices Commission
Kansas State Department of Education
900 SW Jackson St.
Topeka, Kansas 66612-1182

Applicant has a right to file a written answer to this complaint. Applicant has twenty [20] days from the date of service of this notice. If no answer is filed within 20 days, Applicant will be deemed to have admitted the allegations contained in the complaint and acquiesced in the proposed action. An Initial Order will be entered recommending the revocation of your teaching license for the reasons stated in the Complaint and that notice of the revocation will be provided to all education agencies in the State of Kansas and to the agency responsible for issuing educator licenses/certificates in each of the other states.

Any answer shall type written or legibly printed, and any documents you intend to use in your defense must be attached. The answer must be signed and contain a statement under oath or affirmation that the statements made in the Answer are true. The Answer must be notarized and filed with the Secretary of the Professional Practices Commission by certified mail, return receipt requested, or by personal delivery to the address listed above.

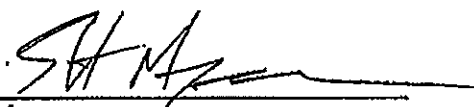


Scott Myers
Director, Teacher Education and Licensure

VERIFICATION

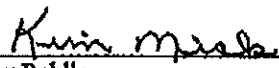
STATE OF KANSAS)
) SS:
COUNTY OF SHAWBEE)

Scott Myers, of lawful age, being first duly sworn, on oath deposes and states: He is the Complainant in the above-captioned action; he has read the above and foregoing Complaint knows and understands the contents thereof, and the statements and allegations contained therein are true and correct, according to his knowledge, information, and belief.



Scott Myers
Director, Teacher Education and Licensure

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on this 11th day of December, 2014.



Notary Public




KIM MICK
Notary Public - State of Kansas
My Appl. Expires 12-29-14

My appointment expires:

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of December, 2014, a true and correct copy of the above and foregoing Complaint/Notice of hearing was filed with the Secretary for the Professional Practices Commission and one (1) copy was mailed by certified mail, return receipt requested, to:

Lori A. Layher
15111 S. 1250 Road
Bronaugh, Missouri 67428



Cheryl Martin
Teacher Education and Licensure



Chris L. Nicastro, Ph.D. • Commissioner of Education

205 Jefferson Street, R.O. Box 480 • Jefferson City, MO 65102-0480 • dysa.mo.gov

June 18, 2013

Ms. Lori Layher
25111 S. 1250 Road
Bronaugh, MO 64728

RETURN RECEIPT REQUESTED
CERTIFIED MAIL # 7006 0100 0005 2169 1635

RE: *Lori Layher*
Case Number HR 13-005

Dear Ms. Layher:

The State Board of Education met June 18, 2013, to consider your signed Statement of Surrender of Teaching Certificate. Based upon the statement of surrender, the State Board voted to revoke your certification.

By copy of this letter, the parties to this action are given notice of the State Board of Education's decision in this matter. Should you have any questions regarding this decision, you may contact my office at (873) 751-3827.

Sincerely,

A handwritten signature in black ink that reads "Mark Allan Van Zandt". The signature is written in a cursive style.

Mark Allan Van Zandt

C:

Paul Katnik, Assistant Commissioner, Office of Educator Quality
Margery Tanner, Director, Educator Certification
Margaret Landwehr, Assistant Attorney General



STATEMENT OF SURRENDER OF TEACHING CERTIFICATE

My name is Lori Layher and I am currently certified to teach in the State of Missouri. I possess a valid certificate of license to teach in the area(s) of middle grades band 4-6, which certificate is valid until 4/14/2017 + 4/19/2018 (date).

I was charged in Verona County, Missouri with committing the class A (misdemeanor/felony) offense of Assault Third Degree in violation of Section 215.090, RSMo. The date of said offense was Between 12/09 - 3/10.

On 5/10/2013 (date) a judgment was entered against me in the Circuit Court of Verona County, Missouri finding me guilty of the above offense. As part of the disposition of the criminal charge, the court ordered me to surrender my certificate of license to teach.

Please find enclosed my original certificate to teach which I hereby surrender. I hereby give notice of my intent and request that my teaching certificate be revoked by the State Board of Education. I hereby voluntarily waive all rights to any hearing, appeal, and all other procedural hearings that may be available to me in regard to my certificate to teach.

I hereby voluntarily grant my consent for the Office of the Verona County Prosecuting Attorney to release any information in its possession pertaining to the above criminal offense for which I have been found guilty to the Department of Elementary and Secondary Education for the purpose of facilitating the revocation of my teaching certificate.

I hereby acknowledge that I am represented by an attorney and have had adequate time to review this document and discuss my rights with him/her before executing this document and acknowledge that I have been fully advised and understand its contents and the consequences of executing this Statement of Surrender.

Lori Layher
Signature

State of Missouri)
County of Cedar)ss

Subscribed and sworn to before me this 10th day of May 2013

SHARRI SIMMONS
Notary Public/Notary Seal
STATE OF MISSOURI
County of Cedar
My Commission Expires: 07-2016
Commission #1142128

Sharr Simmons
Notary Public

MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:		June 2013	
CONSIDERATION TO DISCIPLINE THE LICENSE TO TEACH OF LORI LAYHER, CASE # HR 13-005			
STATUTORY AUTHORITY:			
Section 168.071, RSMo		<input type="checkbox"/> Consent Item	<input checked="" type="checkbox"/> Action Item <input type="checkbox"/> Report Item
DEPARTMENT GOAL NO: 3			
Missouri will prepare, develop, and support effective educators.			
SUMMARY:			
Mo. Rev. Stat. § 168.071 (2000) authorizes the State Board of Education to discipline certificates of license to teach, which includes the authority to resolve issues by consent agreement, agreed settlement or voluntary surrender of the certificate of license. 5 CSR 20-400.230 provides that the State Board of Education may accept a voluntary surrender or informally settle a case through a consent agreement or agreed settlement.			
On May 10, 2013, Lori Layher pleaded guilty to two (2) class A misdemeanors of assault in the third degree. Ms. Layher was given a one-year suspended execution of sentence, two years of supervised probation and the special condition that she surrender her teaching certificate and forfeit any rights to appeal the surrender.			
PRESENTER(S):			
Mark Allan Van Zandt, General Counsel, will participate in the presentation and discussion of this agenda item.			
RECOMMENDATION:			
Based on the special condition of sentencing, it is recommended that the State Board of Education revoke Lori Layher's certificate of license to teach.			

English

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Updated Delivery Day: Tuesday, December 16, 2014

Product & Tracking Information

Postal Product:

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Availab

Return Receipt

DATE & TIME	STATUS OF ITEM	LOCATION
December 17, 2014 , 11:49 am	Delivered	BRONAUGH, MO 64728
Your item was delivered at 11:49 am on December 17, 2014 in BRONAUGH, MO 64728.		
December 15, 2014 , 12:06 pm	Notice Left (No Authorized Recipient Available)	BRONAUGH, MO 64728
December 15, 2014 , 9:24 am	Arrived at Unit	BRONAUGH, MO 64728
December 13, 2014 , 8:37 pm	Departed USPS Facility	KANSAS CITY, MO 64121
December 12, 2014 , 11:51 pm	Arrived at USPS Facility	KANSAS CITY, MO 64121

Track Another Package

Tracking (or receipt) number