

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Application of
Brandon Whorley

19-PPC-22

FINAL ORDER

NOW, on this 10th day of September 2019, the above-captioned matter comes for consideration by the Kansas State Board of Education (Board). Appearing for the Board are Chairman, Kathy Busch, and members, Jean Clifford, Michelle Dombrosky, Deena Horst, Ben Jones, Jim McNiece, Ann Mah, Jim Porter, Steve Roberts, and Janet Waugh.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on August 9, 2019. Brandon Whorley appeared on his own behalf. The Kansas State Department of Education appeared through its attorney, Scott Gordon. After reviewing the evidence, the Commission voted **6 – 0**, to recommend the Board grant the professional teaching license of Brandon Whorley subject to public censure.

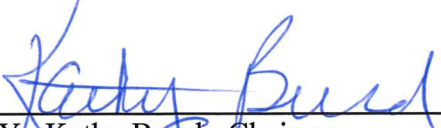
WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by Linda Sieck, Commission Chair, who was available to answer the Board's questions and being otherwise duly advised in the premises, the Board adopted the Commission's findings of fact and conclusions of law by a vote of **9 – 1**.

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 Brandon Whorley's professional teaching license is granted subject to public censure.

This Final Order is made and entered this 10th day of September 2019.

Kansas State Board of Education


BY: Kathy Busch, Chairman
Signed September 17, 2019

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.

Peggy Hill
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 18th day of September 2019, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Brandon Whorley
3328 E. Helena Dr. NW
Huntsville, AL 35810

And via interoffice mail to:

R. Scott Gordon
Kansas State Department of Education
900 SW Jackson Street, Ste. 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 Application of
Brandon Whorley

19-PPC-22

INITIAL ORDER

The above-captioned case comes on for hearing before the Professional Practices Commissioner (Commission) of the Kansas State Board of Education (State Board) upon Brandon Whorley's application for a Professional Teaching License.

The hearing on this matter was held on August 9, 2019. The KSDE appeared by and through General Counsel, R. Scott Gordon. Brandon Whorley appeared on his own behalf.

FINDINGS OF FACT

1. Brandon Whorley applied for a Professional Teaching License on April 5, 2019.
2. Mr. Whorley was charged with: Possession of Cocaine; Possession of LSD; Possession of Marijuana; and Possession of Drug Paraphernalia. On June 29, 2019, Mr. Whorley entered into a Diversion Agreement and was successfully completed on March 29, 2019.
3. Mr. Whorley disclosed his offense and provided appropriate documentation at the time of his application.
4. Mr. Whorley was a licensed educator and employed in a position of public trust at the time of his offense.
5. The Commission believes Mr. Whorley has clearly demonstrated a present recognition of the wrongfulness of his conduct and has expressed remorse for the conduct.
6. The Commission finds Mr. Whorley has provided evidence of rehabilitation since the time of the offense.
7. The Commission finds Mr. George was truthful and forthcoming in disclosing his drug charges on his application for licensure.

8. The Commission finds that Mr. Whorley's behavior has ceased to be a factor in his fitness for licensure.
9. The Commission finds Mr. Whorley is suitable to be placed in a position of public trust as a teacher.
10. The Commission finds Mr. Whorley is a suitable role model for students.
11. The license requested by the applicant does not offer an opportunity to engage in conduct similar to the offense previously conducted by Mr. Whorley.

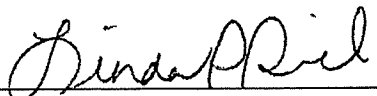
CONCLUSIONS OF LAW

1. The Kansas State Board of Education (State Board) is responsible for the general supervision of Kansas education, including the certification and licensure of teachers. Kan. Const., Art. VI and K.S.A. 72-255.
2. One of the obvious goals of education is to "instill respect for the law." Hainline v. Bond, 250 Kan. 217 (1992). An educator is a role model. Hainline at 224.
3. Teaching and school administration are professions with all the similar rights, responsibilities and privileges accorded other legally recognized professions. K.S.A. 72-2308.
4. The evidence shows Mr. Whorley has recognized his own wrong doing, and can be placed in a position of trust.

THEREFORE the Professional Practices Commission recommends to the State Board, by a vote of 6-0, that Brandon Whorley Professional Teaching License be granted subject to public censure.

This Initial Order is made and entered this August 28, 2019.

PROFESSIONAL PRACTICES COMMISSION



Linda Sieck, Acting Chairman
Order signed on August 28, 2019.

NOTICE TO APPLICANT

This Order 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. The State Board will review all issues. Notice of review with the specific date and time will be provided to the parties within 15 days of the review.

You may submit to the State Board 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. You must file the brief with the State Board Secretary at the address indicated below within ten 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.

Peggy Hill
Secretary, Kansas State Board of Education
900 SW Jackson Street, Suite 600
Topeka, KS 66612

Response briefs are due within ten calendar days after service of the legal brief upon the opposing party. Any reply brief is due five calendar days after service of any response brief upon 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

I hereby certify that on this 28th day of August, 2019, 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:

Brandon Whorley
609 Fleming St.
Garden City, Kansas 67846

And via interoffice mail to:

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



Gwen Kramer
Secretary, Professional Practices Commission