

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Application of
Jesse Newman

23-PPC-20

FINAL ORDER

NOW, on this 9th day of May 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 April 21, 2023. Jesse Newman did not appear. The Kansas State Department of Education appeared through its attorney, R. Scott Gordon. After reviewing the evidence, the Commission voted **9 – 0**, to recommend the Board deny Jesse Newman's application for an emergency substitute license.

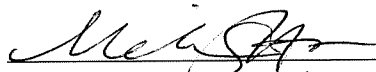
WHEREUPON the Board reviewed the Commission's Initial Order. The Board adopted the Commission's findings of fact and conclusions of law by a vote of **10 – 0**.

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 Jesse Newman's application for an emergency substitute license is denied.

This Final Order is made and entered this 9th day of May 2023.

Kansas State Board of Education


BY: Melanie Haas, Chairwoman
Signed May 10, 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.

Barbara Hughes
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 11th day of May 2023, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Jesse Newman
12931 Earnshaw
Overland Park, Kansas 66213

And via interoffice mail to:

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


Barbara Hughes, Secretary
Kansas State Board of Education

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

In the Matter of
the Application of
Jesse Newman

23-PPC-20

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 the Complaint filed by the Kansas State Department of Education seeking denial of Jesse Newman’s (Applicant) application for an emergency substitute license.

The hearing on this matter was held on April 21, 2023. Appearing for the Commission were chairperson, Jennifer Holt, and members, Aaron Edwards, Eric Filippi, LeighAnne Rogers, Darrin San Romani, Ricardo Sanchez, Carey Spaulding, Jamie Wetig and Christy Ziegler. The KSDE appeared by and through General Counsel, R. Scott Gordon. Applicant did not appear.

FINDINGS OF FACT

1. Applicant has applied for an emergency substitute teaching license. Applicant was previously licensed by the Kansas State Board of Education.
2. On January 8, 2008, Applicant was convicted of committing the crime of Theft, in violation of K.S.A. 21-3701, a severity level 9, nonperson felony. Applicant was licensed by the State Board at the time of his felonious conduct.
3. On January 13, 2009, the State Board followed the recommendations of the Professional Practices Commission and denied the then-pending application for a license of Applicant.
4. On the pending application Applicant was asked “Have you had a teacher’s or school administrator’s certificate, or license denied, suspended, revoked or been the subject of other disciplinary action in any state?”. Applicant answered “no” to that question.
5. On February 24, 2023, the Kansas State Department of Education filed a formal Complaint requesting denial of Applicant’s application for an emergency substitute license. The Complaint was mailed to Licensee’s last known address by standard and by certified mail. The certified mail receipt indicated it was delivered and signed for on February 27, 2023.
6. Applicant did not respond to the Complaint. He filed no answer and did not request a hearing.

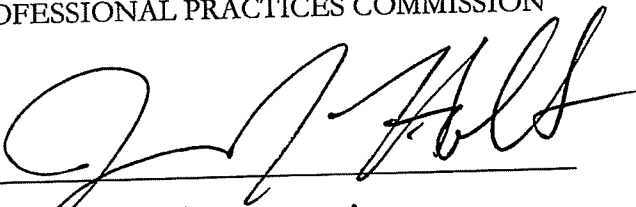
CONCLUSIONS OF LAW

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. Applicant did not deny any allegations of the Complaint, nor did he provide any evidence of remorse, rehabilitation, or recognition of the wrongfulness of his actions.
5. The Kansas State Board of Education may deny the application of any teacher for misconduct or other just cause including being convicted of any crime punishable as a felony and for any crime involving theft. K.A.R. 91-22-1a.
6. A party may be served by mailing a notice to the person’s last known address. K.A.R. 77-531.
7. If a party fails to participate in the adjudicative process, the party may be found to have conceded to the outcome requested by the filed complaint.

THEREFORE the Professional Practices Commission recommends to the State Board, by a vote of 9-0, that Applicant’s application is denied based on criminal misconduct, felony theft, and failure to participate in the administrative proceedings.

This Initial Order is made and entered this April, 2023.

PROFESSIONAL PRACTICES COMMISSION



Jennifer Holt, Chairperson

Order signed on 4/21, 2023.

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.

Barbara Hughes
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 24th day of April, 2023, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education, one (1) copy was mailed by certified mail, return receipt requested; and one (1) copy was mailed by first-class prepaid postage mail, to:

Jesse Newman
12931 Earnshaw
Overland Park, Kansas 66213

And via interoffice mail to:

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



Marisa Seele
Secretary, Professional Practices Commission