

**BEFORE THE KANSAS STATE BOARD OF EDUCATION**

In the Matter of  
the License of  
Kimberly Fielding

PPC No. 19-PPC-23  
OAH No. 20ED0001 ED

**FINAL ORDER**

NOW, on this 12th day of January 2021, the above-captioned matter comes for consideration by the Kansas State Board of Education (Board). Appearing for the Board are Chairman, Jim Porter and members, Betty Arnold, Jean Clifford, Michelle Dombrosky, Melanie Haas, Deena Horst, Ben Jones, Jim McNiece, Ann Mah and Janet Waugh.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on October 2, 2020. Kimberly Fielding appeared on her own behalf. The Kansas State Department of Education appeared by General Counsel, R. Scott Gordon. After reviewing the evidence, the Commission voted **7-1** to recommend the Board grant the professional teaching license of Kimberly Fielding subject to public censure.

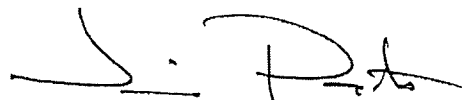
WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by Jennifer Holt, Acting Chairperson, who was available to answer the Board's questions and being otherwise duly advised in the premises, the Board adopted the Commission's findings of fact and conclusions 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 Kimberly Fielding's professional teaching license is granted subject to public censure.

This Final Order is made and entered this 12th day of January 2021.

Kansas State Board of Education



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BY: Jim Porter, Chairman  
Signed January 26<sup>th</sup>, 2021

**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

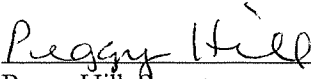
**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of January 2021, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Kimberly Fielding  
1952 N Park Pl  
Wichita, KS 67203

And via interoffice mail to:

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

  
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Peggy Hill, Secretary  
Kansas State Board of Education

BEFORE THE KANSAS STATE DEPARTMENT OF EDUCATION  
PROFESIONAL PRACTICES COMMISSION

In the Matter of  
the License of  
**Kimberly Fielding**

Case No. 19-PPC-23

OAH No. 20ED0001 ED

**INITIAL ORDER**

**Decision**

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 1 recommends to the Kansas State Board of Education that the Complaint filed by KSDE seeking to revoke the teaching license of Kimberly Fielding (Fielding) be denied and that Fielding be granted her teaching license subject to a public censure due to her criminal conduct.

**Statement of Case**

This matter comes on for hearing before the Commission upon the Complaint filed by the KSDE seeking revocation of Fielding's teaching license.

The hearing was held on October 2, 2020. Appearing for the Commission were acting chairperson, Jennifer Holt, and members William Anderson, Eric Filippi, Nathan Reed, Stan Ruff, Aaron Edwards, Caroline Spaulding, and Kimberly Gilman.

Fielding appeared in person and *pro se*.

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

**Evidentiary Rulings**

Counsel for KSDE requested that KSDE Exhibits A through G be admitted as evidence. Fielding had no objection. KSDE Exhibits A through G were admitted.

Fielding offered Exhibits 1 through 5. KSDE had no objection to the offered exhibits. Exhibits 1 through 5, as offered by Fielding, were admitted.

### Findings of Fact

1. Fielding held a professional teaching license, License # 8563669729, from 1990 until it expired February 22, 2018. (Exhibit F)

2. A Complaint/Information was filed in Sedgwick County District Court, case number 17CR03677, charging Fielding with one count of making a false information in violation of K.S.A. 21-5824(a). (Exhibit A)

3. Fielding was licensed as a teacher in the State of Kansas at the time of the offense. (Exhibit F)

4. Fielding entered into an Agreement for Pretrial Diversion with the Sedgwick County District Attorney's Office on or about April 3, 2018. (Exhibit B)

5. Fielding submitted an Application for Kansas License to KSDE on or about March 8, 2019 seeking to renew her teaching license. (Exhibit C) On the application Fielding was asked "Have you **EVER** entered into a diversion agreement or otherwise had a prosecution diverted after being charged with any felony or any crime involving theft, drugs, or a child." Fielding responded by marking "No."

6. Fielding did not disclose the Agreement for Pretrial Diversion she had entered into with the Sedgwick County District Attorney's Office on April 3, 2018.

7. Fielding's diversion was completed and the criminal charges against her dismissed on or about April 4, 2019. (Exhibit 1)

8. On July 8, 2019 KSDE filed a Complaint seeking revocation of Fielding's already expired teaching license.

9. Fielding was charged with making a false information because she created a fake lease agreement showing she was leasing or renting a property from an individual and forged that individual's name on the lease agreement in order to provide verification of an address within the Maize school district, so her children would not be required to change schools.

10. Fielding acknowledged her conduct was "morally, ethically and legally wrong" and apologized to the individual whom she had involved in the matter.

11. Fielding testified that when she read the question about a diversion she read it to ask if she had entered into a diversion agreement for a felony or crime involving theft, drugs or a child. Since her crime did not involve theft, drugs, or a child, she thought she answered the question appropriately. She did not read the question as having entered into a diversion agreement for any felony or any crime involving theft, drugs or a child.

12. Fielding submitted three (3) letters of recommendation as part of her exhibits. (Exhibit 3)

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

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” including: for “(1) Conviction of any crime punishable as a felony” or “(11) entry into a criminal diversion agreement after being charged with any offense or act described in this subsection.”

3. Fielding acknowledged that she was charged with the criminal offenses and that what she did was wrong. Fielding explained the circumstances that led to her citation and the diversion and took full responsibility for her actions.

4. K.A.R. 91-22-1a(g) sets forth what must be satisfied for a teacher that has had their license denied or revoked based on a violation of the provisions in subsection (a) of the same regulation to apply for a new license

5. Although not required in this matter, the Commission felt it was appropriate to consider the factors set forth in K.A.R. 91-22-1a(g)(1) in determining if Fielding should be revoked or if there was sufficient evidence that she had been rehabilitated.

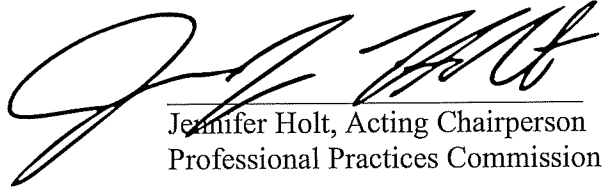
6. The Commission, in determining whether to recommend to the Board that an individual’s application should be granted, is required to determine the extent of the applicant’s efforts at rehabilitation as well as the fitness of the applicant to be a member of the teaching profession. *Wright v. State Bd. of Educ.*, 268 P.3d 1231 (Kan.App. 2012). The Commission has utilized these same principles in determining if a teacher’s license should be revoked.

7. In considering the factors in relation to the facts in this matter, the Commission felt that Fielding demonstrated fitness to retain her license to teach. Among other factors the Commission identified that the offense had occurred more than three (3) years prior, Fielding expressed remorse and recognition of the wrongfulness of her actions, Fielding provided evidence of rehabilitation, Fielding was truthful and forthcoming in her testimony, remained suitable to be placed in a position of trust and would be a suitable role model for students.

8. In addition, the Commission noted the confusing nature of the question on the application that Fielding answered falsely. This was not the first time someone had mistakenly read the question to ask if the individual was charged with a felony involving theft, drugs, or a child rather than if they had been charged with any felony crime. It was suggested the language could be made clearer by separating the questions, like is done with convictions.

9. On a vote of 7 in favor, 1 opposed, the Commission recommends to the Kansas State Board of Education that the Complaint filed by KSDE seeking to revoke Kimberly Fielding's license be denied, and that Kimberly Fielding be granted a teaching license subject to being publicly censured due to her criminal conduct.

**IT IS SO ORDERED.**



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Jennifer Holt, Acting 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 **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,  
Topeka, Kansas 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 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 December 8, 2020, I certify that I caused a copy of the foregoing was placed in the United States first class mail, postage prepaid, addressed to:

Kimberly Fielding  
1952 N. Park Pl.  
Wichita, KS 67203

and further certify that 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  
Telephone: 785-296-3204

Marisa Seele

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