

**BEFORE THE KANSAS STATE BOARD OF EDUCATION**

In the Matter of  
the Professional License  
of John T. Shipley

14-PPC-49

**FINAL ORDER**

NOW, on this 17<sup>th</sup> day of April, 2015, the above-captioned matter comes for consideration by the Kansas State Board of Education (Board) upon the professional license of John T. Shipley.

WHEREUPON, a complaint was filed by the Kansas State Department of Education and Mr. Shipley had the opportunity to respond to the complaint. Mr. Shipley 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 John T. Shipley'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

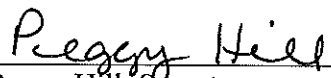
**CERTIFICATE OF SERVICE**

I hereby certify that on this 1<sup>st</sup> day of June, 2015, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

John T. Shipley  
P.O. Box 19823  
Amarillo, Texas 79114

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 John T. Shipley

14-PPC-49

**INITIAL ORDER**

COMES NOW the Professional Practices Commission on this *26<sup>th</sup>* day of February, 2015, and makes the following recommendations to the 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 5, 2014 [**Attached as Appendix I**]. That Complaint was placed in the mail, certified mail, return receipt requested, to the last known address of John T. Shipley on December 5, 2014 (postmarked December 8, 2014). The address is a P.O. Box in Amarillo, Texas, and is the address the Department has on file for Mr. Shipley and the address used by New Mexico in the disciplinary action referenced below. The Complaint was returned as undeliverable. **Exhibit A**.
2. Mr. Shipley is currently licensed by the Kansas State Board of Education.
3. Until January 21, 2013, Mr. Shipley was also licensed as a teacher in the state of New Mexico. On that date, the Secretary of Education of the New Mexico Public Education Department revoked Mr. Shipley's teaching license. **Exhibit 1 of the Complaint**.
4. Mr. Shipley's New Mexico license was revoked because he failed to request a hearing and the following facts, which were contained in the Notice of Contemplated Action (**Exhibit 2 of the Complaint**), were assumed true.<sup>1</sup>
  - a. From on or about August 2010 through September 2010 Licensee made verbal comments and made non-verbal hand motions to a staff member, Cindi Berry, that made her feel uncomfortable. On one occasion, Licensee walked into Ms. Berry's office and told her that when he was a principal in Texas, during a movie that the entire school was watching, that he had observed a young man going at it down the front of a girl's pants, and Licensee then demonstrated the act to Ms. Berry by placing his hands in front of his pants, moving his fingers to simulate what must have been happening.
  - b. On or about October 13, 2010, Licensee came up behind a teacher, Lynn Smith, while she was in front of her class, and touched his stomach to her back, and then whispered a message about a student in her ear.

<sup>1</sup> Mr. Shipley did respond in New Mexico by providing an affidavit and letters of recommendation via mail. They are included in Exhibit 1 of the Complaint.

- c. On or about September 16, 2010, Licensee made verbal comments to the librarian, Rene Ortiz, which made her feel uncomfortable, including asking her "Are you looking at naked pictures of your boyfriend?" Then Licensee stated, "Oh no you have probably seen plenty of them." In early September 2010, Licensee also stated to Rene Ortiz, "I will see more of you when you have your swimsuit on."
  - d. On or about October 27, 2010, during a faculty meeting, Licensee told a joke about a lesbian cowgirl.
  - e. On or about September 23, 2010, Licensee used staff member Jamie Arthur's name in a crude joke in front of other co-workers. Licensee stated "By the way, did you know that Jamie got picked up by man in the parking-lot last night? He offered her \$1,000,000.00 to sleep with him, and she said okay, then he offered \$10,000,000.00 and she said absolutely, then he said forget the \$10,000,000.00, I already know what you're worth."
5. Because Mr. Shipley did not maintain a current address with the Kansas State Department of Education and, therefore, did not receive the Complaint, he did not file a Request for a Hearing nor did he submit an Answer. However, the Commission has reviewed materials from the New Mexico proceedings, including the Notice of Contemplated Action, the Decision and Order, Mr. Shipley's sworn response, and his letters of recommendations.

### CONCLUSIONS

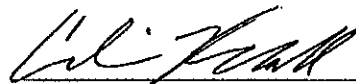
1. Pursuant to K.S.A. 72-8501, the Legislature has declared teaching and school administration to be professions in Kansas with all the similar rights, responsibilities and privileges accorded other legally recognized professions. An educator is in a position of public trust.
2. It is within the authority 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; including the commission of any crime punishable as a felony. 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. The Licensee'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.
8. The Licensee's conduct demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching profession and is sufficient and just cause for revoking Applicant's license pursuant to K.A.R. 91-22-1a.
9. Additionally, the revocation of Licensee's New Mexico license is sufficient grounds to revoke his 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 John Shipley's professional teaching license should be revoked.

This Initial Order is made and entered this February 26, 2015.

PROFESSIONAL PRACTICES COMMISSION



Calin Kendall, Chairman

Order signed on 2/26, 2015.

#### NOTICE TO APPLICANT

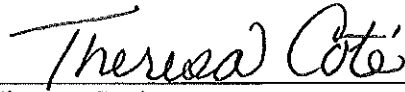
This Order of the Professional Practices Commission is not a Final Order and is required to be reviewed by the State Board of Education in accordance with the provisions of the Kansas Administrative Procedure Act.

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 2<sup>nd</sup> 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:

John T. Shipley  
P.O. Box 19823  
Amarillo, Texas 79114



\_\_\_\_\_  
Theresa Coté  
Secretary, Professional Practices Commission

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

In the Matter of  
the Professional License  
of John T. Shipley

14-PPC-49

**APPENDIX I**

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

In the Matter of  
the Professional License  
of John T. Shipley

14-PPC-49

**COMPLAINT**

COMES NOW on this 5<sup>th</sup> 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. John T. Shipley is currently licensed by the Kansas State Board of Education.
7. Until January 21, 2013, Mr. Shipley was also licensed as a teacher in the state of New Mexico. On that date, the Secretary of Education of the New Mexico Public Education Department revoked Mr. Shipley's teaching license. Exhibit 1.
8. Mr. Shipley's New Mexico license was revoked because he failed to request a hearing and the following facts, which were contained in the Notice of Contemplated Action (Exhibit 2), were assumed as true.<sup>1</sup>
  - a. From on or about August 2010 through September 2010 Licensee made verbal comments and made non-verbal hand motions to a staff member, Cindi Berry, that made her feel uncomfortable. On one occasion, Licensee walked into Ms. Berry's office and told her that when he was a principal in Texas, during a movie that the entire school was watching, that he had observed a young man going at it down the front of a girl's pants, and Licensee then demonstrated the act to Ms. Berry by placing his hands in front of his pants, moving his fingers to simulate what must have been happening.

<sup>1</sup> Mr. Shipley did respond in New Mexico by providing an affidavit and letters of recommendation via mail. They are included in Exhibit 1.



- b. On or about October 13, 2010, Licensee came up behind a teacher, Lynn Smith, while she was in front of her class, and touched his stomach to her back, and then whispered a message about a student in her ear.
  - c. On or about September 16, 2010, Licensee made verbal comments to the librarian, Rene Ortiz, which made her feel uncomfortable, including asking her "Are you looking at naked pictures of your boyfriend?" Then Licensee stated, "oh no you have probably seen plenty of them," In early September 2010, Licensee also stated to Rene Ortiz, "I will see more of you when you have your swimsuit on."
  - d. On or about October 27, 2010, during a faculty meeting, Licensee told a joke about a lesbian cowgirl.
  - e. On or about September 23, 2010, Licensee used staff member Jamie Arthur's name in a crude joke in front of other co-workers. Licensee stated "By the way, did you know that Jamie got picked up by man in the parking-lot last night? He offered her \$1,000,000.00 to sleep with him, and she said okay, then he offered \$10,000,000.00 and she said absolutely, then he said forget the \$10,000,000.00, I already know what you're worth."
9. Mr. Shipley'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, Mr. Shipley's conduct demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching and school administration professions.
  10. Mr. Shipley's conduct and the revocation of his New Mexico teaching license are grounds for revocation of his Kansas license pursuant to K.A.R. 91-22-1a.
  11. It is requested that Mr. Shipley'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.

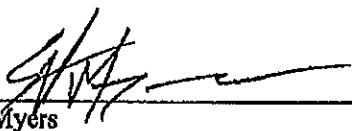
#### RIGHT TO A HEARING

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.

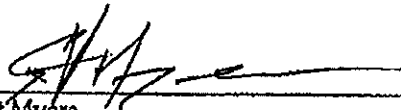
Any answer shall type written or legibly printed, and any documents you intend to use in your defense must be attached. The answer must be signed and contain a statement under oath or affirmation that the statements made in the Answer are true. The Answer must be notarized and filed with the Secretary 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 5<sup>th</sup> day of December, 2014.

  
\_\_\_\_\_  
Notary Public

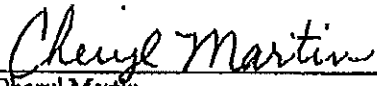


My appointment expires:

**CERTIFICATE OF SERVICE**

I hereby certify that on this 5<sup>th</sup> 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:

John T. Shipley  
P.O. Box 19823  
Amarillo, Texas 79114

  
\_\_\_\_\_  
Cheryl Martin  
Teacher Education and Licensure

**BEFORE THE NEW MEXICO SECRETARY OF EDUCATION**

**IN THE MATTER OF  
JOHN SHIPLEY  
Licensee/Respondent**

**Licensure File No. 340-212**

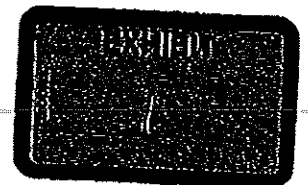
**DECISION AND ORDER**

This **DECISION AND ORDER** of the Secretary of Education of the New Mexico Public Education Department ("PED") is issued pursuant to NMSA 1978, Sections 22-10A-31, et seq. ["School Personnel Act"]; 61-1-1 to 61-1-31 ["Uniform Licensing Act"]; 9-24-1 to 9-24-13 [Public Education Department Act]; and PED Rule 6.68.3 NMAC ("Suspension, Revocation or Other Disciplinary Action Regarding a License Held by a Licensed School Individual").

The PED mailed a Notice of Contemplated Action to the Licensee, John Shipley, at his last known address, by certified mail, return receipt requested, on or about December 13, 2012, as well as by regular, first-class mail. The certified mail receipt was signed by John Shipley on December 19, 2012. The Notice of Contemplated Action, sent by regular, first-class mail to John Shipley was not returned to the PED.

Under Section 61-1-4E, NMSA 1978, if the Licensee does not request a hearing within 20 days of service of the Notice, the Secretary may take the action contemplated in the Notice, and such action shall be final and not subject to judicial review.

Therefore, since the Licensee did not request a hearing within 20 days of the date of the last attempted service, I hereby adopt as conclusively proven the evidence and allegations in the Notice of Contemplated Action, dated on or about December 13, 2012, and incorporate the same



as though fully set forth herein. For reasons contained in said Notice of Contemplated Action and pursuant to my review, it is hereby **DECIDED AND ORDERED**:

1. There being sufficient cause for revoking Respondent's Level 3B, K-12, Administrative license; and a Level 3A, K-8 Elementary license; both effective on July 1, 2010, and both with expiration dates of June 30, 2019, **NOW THEREFORE** effective as of the date of this **DECISION AND ORDER**, John Shipley's teaching licenses are **HEREBY REVOKED**.

2. If Respondent reapplies for licensure, this **ORDER** may be sufficient reason for the PED to deny the application pursuant to NMSA 1978, Section 22-10A-31.

By: Hanna Skandera  
Hanna Skandera  
Secretary of Education

Dated: 1.21.13

**CERTIFICATE OF SERVICE**

I hereby certify that, pursuant to NMSA 1978, §61-1-5 of the Uniform Licensing Act, a true and correct copy of the foregoing Decision and Order was mailed to the Licensee, John Shipley, at his last known address, PO Box 19823, Amarillo, TX 79114, by certified mail, return receipt requested, item no. \_\_\_\_\_

7008-1140-0003-5825-4960, and by regular, first-class mail, this 23 day of January, 2013.

for Brenda Ulaves  
Kara Herrman

**AFFIDAVIT**  
Of  
John Shipley

SECRETARY OF EDUCATION

DEC 31 2012 27 2012

Refer To

*Secretary of Education*

1. My name is John Shipley. I am 65 years old and my mailing address is PO Box 19823, Amarillo, Texas 79114.
2. On December 16, 2012, I received a Notice of Contemplated Actions from the State of New Mexico, Public Education Department, alleging certain misconduct at Kearny Elementary School in Raton, New Mexico during the 2010-2011 school year.
3. I am not in a position to attend a hearing, and do not wish to incur any expenses related to such a hearing or attorney fees. Therefore, I do not request a hearing regarding the PED letter I received on December 16, 2012, but in all fairness I would like for this affidavit to be considered before any decision is made.
4. In Texas, I was in public education, either in the classroom or in a school administration position, for a total of 32 years. My service record is crystal clear. I was never accused of any kind of inappropriate behavior, nor did any inappropriate behavior occur.
5. I have attached letters of recommendation from former colleagues.
6. I was employed as Principal of Kearny Elementary School from July 1, 2010 until my resignation in November, 2010. My resignation was submitted only after the realization that because of these allegations, my effectiveness and creditability as Principal would always be in question, and acceptance of any decisions I might make regarding the educational path that our students needed to be on would not be met with the full support of the faculty. I have addressed each questionable item in the following paragraphs:
7. Page 2, II(3) Ms. Berry was talking about something that had happened regarding a student at Kearney sometime prior to my employment. I don't remember what it was, but it triggered my memory of an event at a school I was at. A boy was being inappropriate during a film (in a classroom, not the whole school.) I relayed what had happened without detail, but to the best of my knowledge, there were absolutely no finger gestures involved.
8. Page 3, II(4) I needed to inform the teacher about something regarding a student. I don't remember if she was sitting or standing (most of the time she was sitting at an overhead projector.) I put my hand on her shoulder to avoid startling her, and trying to maintain student confidentiality, I leaned over to whisper it to her. If my stomach touched her back, it was purely coincidental and not intended.

9. Page 3, ll(5) I do not recall the conversation with Ms. Ortiz, however I have made the statement "I'll see more of you when we go swimming" (a statement that my father in law used anytime we parted company which I found humorous.)
10. Page 3, ll(6) Prior to telling the joke, I asked if anyone would mind a slightly off-color joke. There were no objections. The joke was:

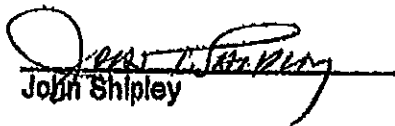
A woman walked into a café and saw an old cowboy sitting there. She asked him if he was a real cowboy. He responded by saying he was born on the ranch and spent his whole life working cattle and riding fence. He asked her what she did. Her reply was that she was a lesbian and just sat around thinking about women all day. After she left, another person came in and asked him if he was a real cowboy. He said he always thought so until a few minutes ago when he found out he was a lesbian.

11. Page 3, ll(7) A group of people met at a restaurant for dinner. Most people there were drinking alcoholic beverages (I was not.) There were teachers, spouses, and friends. This was not a school sanctioned event or part of my official duties, and it was off campus and after school hours. I was asked if I would like to join them. The joke was:

A man asked Jamie (my daughter's name) if she would sleep with him for a million dollars, she said "sure." He then said how about ten dollars. No, she said, what do you think I am? His reply, "we've already established that, we're just haggling over the price."

12. My mentor Principal, who I worked with for about 13 years, was well thought of, both professionally and personally. He had quite a sense of humor, but still got the job done. I patterned myself after him, thereby emulating him in many of my day to day interactions with the faculty. I can see now that I should have been more myself. I deeply regret making anyone feel uncomfortable – it was not my intent or in my nature. I have learned from this experience, and can assure you that these types of situations will never happen again.

I declare the above statements are true and correct to the best of my knowledge.

  
John Shipley

John Shipley being duly sworn on oath according to law, deposes and says that he has read the foregoing AFFIDAVIT of John Shipley by him subscribed, that the matters stated herein are true to the best of his information, knowledge, and belief.

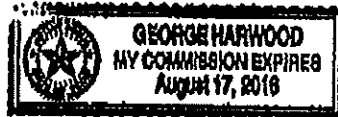
  
John Shipley

SUBSCRIBED AND SWORN to and before me of this 21<sup>st</sup> day of

December, 2012,

  
Notary Public, Randall County, Texas

My Commission expires: \_\_\_\_\_





**ROLLING HILLS ELEMENTARY SCHOOL**  
*Home of the Wildcats*



Richard Kekey, Principal  
Elin Brandstelli, Assistant Principal  
Phone 806.383.8621

Melissa Schaeffer, Counselor  
Lorilla Grider, Secretary  
FAX 806.381.7814

October 9, 2012

To whom it may concern,

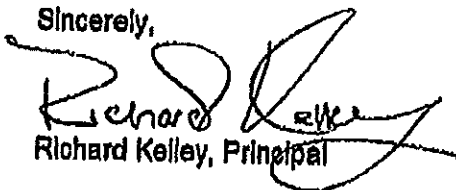
I have known John Shipley for the past fifteen years. In that time, I have known him to be a very committed person who wants to help children succeed. I personally feel John has been given the gift of service and wishes to use that gift to help children of any age reach their personal goals. John is a very outgoing person with talents in many areas.

One area lies in the field of teaching. John is a talented teacher who makes his classroom come alive! He has the ability to reach all students not just the ones that are easy to teach. I can't think of a time that John did not make science enjoyable to learn. Whether it is teaching sixth grade or high school chemistry, his ability to teach science is impressive. His enthusiasm for the profession is very solid, and he truly has a heart for children.

Another area lies in school administration and leadership. John is a motivational leader who knows how to pull the most out of teachers and students. He was my assistant principal for ten years, and I never had a problem leaving my campus knowing he could run it very well. John was always fiercely loyal and eager to work hard for students, staff, and administration. John had a very good rapport with parents. He often developed relationships that benefitted the school in many ways.

In conclusion, I think your school system will benefit greatly from John's enthusiastic, talented, and caring heart. His desire to teach, lead, and contribute to student success is a driving force that, I feel, he will exhibit daily. If you should need any further assistance, please contact my office at (806) 383-8621.

Sincerely,

  
Richard Kekey, Principal

**Willow Vista Intermediate School  
7600 Pavillard  
Amarillo, TX 79108  
(806)383-8820**

**October 15, 2012**

**To Whom It May Concern:**

**It is my pleasure to attest to the strengths and talents of John Shipley. I have worked with John Shipley for 12 years and I believe I can accurately assess his abilities.**

**First of all John is a very hard worker and was very committed to his job. He is an excellent administrator that truly cares about his students. John is always very cooperative and enthusiastic and is up-beat in motivating others to be involved. Here at River Road he did a wonderful job as both a teacher and an administrator.**

**Finally, John is very dependable, very likeable and very friendly. His desire to succeed coupled with a very hard work ethic makes him a joy to work with. I recommend John Shipley without reservation.**

**Please feel free to contact me at (806) 383-8820 with any questions.**



**Andy Nies  
Principal  
Willow Vista Intermediate**

**To Whom It May Concern:**

**It has been my pleasure to know John Shipley both as a friend and as a fellow administrator. I have known him for the past 12 years in both capacities while working for the River Road Independent School District.**

**When I was first hired as an English teacher for the River Road High School, John was working at the middle school as an administrative assistant for the principal while teaching Science to his students. He was later promoted to Assistant Principal at the middle school and worked in that position for several years. I worked closely with him as a fellow administrator when I was serving as an assistant administrator at the high school. I learned how to do my job very professionally and effectively from John as he taught me how to coordinate the UIL competitions each year, how to administer discipline in a fair and impartial way, and how to be consistently effective as an administrator both in and out of the office.**

**Throughout the years, I have sought John's advice on numerous issues and have always been given a prompt and helpful reply to any question I have had concerning the administrative duties an assistant principal faces each day of his or her life. He is very easy going, kind, fair, and consistent in following the principles of effective discipline management. I have never known him to back down from an issue or try to shirk or pass on his responsibilities. He is always willing to take on new challenges and new ideas and implement them within his official repertoire of duties. As a friend, he has always given me sound advice and good help when I needed his counsel.**

**If you want someone dependable, sound, easy going, consistent, and a great team player and solid leader in any organization, you will look hard to find anyone better suited to the challenges of leadership than John Shipley. He would be an invaluable asset in any organization, whether it be educational or private industry.**

**Feel free to call me anytime for a reference.**

**Sincerely,**

**Sam Herring  
ELA Teacher  
Boylva ISD  
(806) 584-5899 (personal cell)  
(806) 251-1377 (Boylva Middle School)**

**STATE OF NEW MEXICO  
PUBLIC EDUCATION DEPARTMENT**

**PUBLIC EDUCATION DEPARTMENT,**

**Petitioner,**

**vs.**

**Licensure File # 340-212**

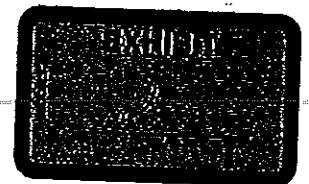
**JOHN SHIPLEY**

**Licensee/Respondent.**

**NOTICE OF CONTEMPLATED ACTION**

The Licensee, John Shipley, (hereafter, "Licensee"), is hereby given notice that the New Mexico Public Education Department (hereafter, "PED"), acting through its Professional Licensure Bureau (hereafter, "PLB"), proposes to take adverse administrative licensure action against Licensee and, more specifically, proposes to suspend, revoke or take other disciplinary action against Licensee's educator licensure.

In accordance with the requirements of the Uniform Licensing Act at NMSA 1978, §61-1-4 (D) (1), the Licensee is advised that the PED has sufficient evidence that, if not rebutted or explained, will justify the PED in suspending, revoking or taking other disciplinary action against his educator licensure and in imposing such other conditions or penalties as may be permitted by law. This Notice of Contemplated Action (hereafter, "NCA") explains the legal basis for the contemplated action, the general nature of the evidence against the Licensee, the adverse licensure action proposed, notification of the Licensee's right to request an administrative hearing, and a statement of the rights of a person entitled to such hearing.



## **I. LEGAL BASIS FOR CONTEMPLATED ACTION**

The PED has jurisdiction to hear or to designate a hearing officer and to take adverse licensure action against the Licensee pursuant to the following authorities: the School Personnel Act, NMSA 1978, §22-10A-31, *et seq.*; the Public Education Department Act, NMSA 1978, §9-24-1 *et seq.*; the Public School Code, NMSA 1978, §22-2-2(K); and the Uniform Licensing Act, NMSA 1978, §61-1-1, *et seq.*

Pursuant to §22-10A-31, *supra*, of the School Personnel Act, “[I]n accordance with the procedures provided in the Uniform Licensing Act [61-1-1 to 61-1-31 NMSA 1978], the state board [Department] may deny, suspend or revoke a department-issued license for incompetency, moral turpitude or any other good and just cause.” The Uniform Licensing Act provides, at §61-1-3, that licensees or applicants shall be afforded notice and an opportunity to be heard before an agency that has authority to take any action which would result in adverse licensure action including but not limited to suspension or revocation of a license.

## **II. GENERAL NATURE OF EVIDENCE AGAINST LICENSEE**

1. According to the PLB's records, Licensee currently holds a Level 3B, K-12, Administrative license; and a Level 3A, K-8 Elementary license; both effective on July 1, 2010, and both with expiration dates of June 30, 2019.
2. Licensee was employed by Raton Public Schools as the principal of Kearny Elementary School during the 2010-2011 school year.
3. From on or about August 2010 through September 2010 Licensee made verbal comments and made non-verbal hand motions to a staff member, Cindi Berry, that

made her feel uncomfortable. On one occasion, Licensee walked into Ms. Berry's office and told her that when he was a principal in Texas, during a movie that the entire school was watching, that he had observed a young man going at it down the front of a girl's pants, and Licensee then demonstrated the act to Ms. Berry by placing his hands in front of his pants, moving his fingers to simulate what must have been happening.

4. On or about October 13, 2010, Licensee came up behind a teacher, Lynn Smith, while she was in front of her class, and touched his stomach to her back, and then whispered a message about a student in her ear.

5. On or about September 16, 2010, Licensee made verbal comments to the librarian, Rene Ortiz, which made her feel uncomfortable, including asking her "Are you looking at naked pictures of your boyfriend?" Then Licensee stated "oh no you have probably seen plenty of them." In early September of 2010, Licensee also stated to Rene Ortiz, "I will see more of you when you have your swimsuit on."

6. On or about October 27, 2010, during a faculty meeting, Licensee told a joke about a lesbian cowgirl.

7. On or about September 23, 2010, Licensee used staff member Jamie Arthur's name in a crude joke in front of other co-workers. Licensee stated "By the way, did you know that Jamie got picked up by man in the parking-lot last night? He offered her \$1,000,000.00 to sleep with him, and she said okay, then he offered \$10,000,000.00 and she said absolutely, then he said forget the \$10,000,000.00, I already know what you're worth.

Count 1

8. Licensee's conduct as described in Section II above constitutes violations of Licensee's duty to the profession as expressed in the pertinent provisions of Regulation 6.60.9 NMAC [*Code of Ethical Responsibility of the Education Profession*] containing the Code of Ethics and Standards of Professional Conduct governing licensed educators. Licensee's conduct violated the following provisions:

(a) 6.60.9.9(C) (9) (Standard II - Duty to the Profession) of the Standards of Professional Conduct requiring educators to avoid conduct connected with official duties that is unfair or is improper, illegal or gives the appearance of being improper or illegal;

(b) 6.60.9.9(C) (10) (Standard II - Duty to the Profession) of the Standards of Professional Conduct prohibiting educators from engaging in sexual harassment of any school employee, any school visitor, or anyone else they might encounter in the course of their official duties, which includes (a) making sexual advances, repeated sexual references, and any name calling by means of sexual references or references directed at gender-specific individuals; (b) making any other verbal gesture or physical conduct with any of the above named individuals even where the licensed educator believes they consent or they actually initiate the activity; and (d) creating an intimidating or hostile school environment by engaging in any of the prohibited behaviors noted above;

(c) 6.60.9.9(C)(12) (Standard II - Duty to the Profession) of the Standards of Professional Conduct prohibiting educators from engaging in inappropriate displays of affection, even with consenting adults, while on school property or during school events off campus;

(d) 6.60.9.9(C)(20) (Standard II - Duty to the Profession) of the Standards of Professional Conduct prohibiting educators when on school property or off campus while representing the school or attending a school function from engaging in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to disturb the peace;

(e) 6.60.9.9(C) (23) (Standard II - Duty to the Profession) of the Standards of Professional Conduct prohibiting educators from engaging in unprofessional conduct, which conduct shall include but not be limited to the following: (b) using any written or spoken words in public schools or at school events that are inflammatory, derogatory or otherwise demonstrate a bias against a person or group on the basis of their race, religion, culture, ethnicity, sexual preference, sexuality or physical disability.

9. The foregoing enumerated violations of the Standards of Professional Conduct constitute good and just cause for adverse disciplinary action, and the PLB is authorized by 6.60.9.10 NMAC to seek the same.

Count 2

10. Licensee's behavior as described above constitutes good and just cause to restrict, suspend or revoke his educational licensure inasmuch as his conduct constitutes a violation of Subsection 8(B)(4) of 6.68.3 NMAC [*Suspension, Revocation or Other Disciplinary Action Regarding a License Held by a Licensed School Individual*] prohibiting a willful violation of any PED regulation prescribing standards of conduct for licensed school personnel at a time when the charged individual was subject to such requirement.



Count 3

11. Licensee's conduct as described in Section II above constitutes good and just cause to restrict, suspend or revoke his licensure pursuant to Section 22-10A-31, NMSA 1978.

**III. CONTEMPLATED ACTION**

1. Sufficient evidence exists to justify the PED in suspending, revoking or taking other disciplinary action against Licensee's license pursuant to NMSA 1978, §61-1-3 and imposing such other conditions and penalties as may be authorized by law.

2. In accordance with NMSA 1978, §61-1-4(D)(3), the PED may take the contemplated action unless within twenty (20) days after service of this NCA the Licensee deposits in the mail a certified return receipt requested letter addressed to Hanna Skandera, Secretary-designate of Education, and containing a request for an administrative hearing. Such request for an administrative hearing should be mailed to Hanna Skandera, Secretary-designate of Education, Public Education Department, 300 Don Gaspar, Santa Fe, NM 87501.

3. Licensee is advised that, pursuant to NMSA 1978, §61-1-4 (E), if he does not mail a request for a hearing within the time and in the manner required by §61-1-4(D)(3), the PED may take the action contemplated in this notice, and such action shall be final and not subject to judicial review.

4. Licensee is further notified that any final decision entered in this action shall be made a permanent part of his licensure file with the PED, shall be accessible to

all New Mexico school districts and shall be reported to the National Association of State Directors of Teachers Education and Certification's national clearinghouse.

5. NMSA 1978, §61-1-4(G) of the Uniform Licensing Act provides that "Licensees shall bear all costs of disciplinary proceedings unless they are excused by the [PED] from paying all or part of the fees or if they prevail at the hearing and an action specified in Section 61-1-3 NMSA 1978 is not taken by the [PED]."

#### **IV. STATEMENT OF RIGHTS**

The rights of a person entitled to a hearing, pursuant to NMSA 1978, §61-1-8 of the Uniform Licensing Act, are as follows:

A. A person entitled to be heard under the Uniform Licensing Act [61-1-1 to 61-1-31 NMSA 1978] shall have the right to be represented by counsel or by a licensed member of his own profession or occupation, or both; to present all relevant evidence by means of witnesses and books, papers, documents and other evidence; to examine all opposing witnesses who appear on any matter relevant to the issues; and to have subpoenas and subpoenas duces tecum issued as a matter of right prior to the commencement of the hearing to compel discovery and the attendance of witnesses and the production of relevant books papers, documents and other evidence upon making written request therefore to the board or hearing officer. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the board or the hearing officer. All notices issued pursuant to Section 61-1-4 NMSA 1978 shall contain a statement of these rights.

B. Upon written request to another party, any party is entitled to:

(1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and

(2) inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing.

The party to whom such a request is made shall comply with it within ten days after the mailing or delivery of the request. No such request shall be made less than fifteen days before the hearing.

C. Any party may take depositions after service of notice in accordance with the Rules of Civil Procedure for the District Courts. Depositions may be used as in proceedings governed by those rules.

12/11/12  
Date

  
Paul Calderon, Investigator  
Public Education Department

Approved by:

12-13-12  
Date

  
Matthew Montano, Director  
Educator Quality Division

**Agency Contact:**

Audrey K. McKee, Assistant General Counsel  
Public Education Department  
300 Don Gaspar  
Santa Fe, NM 87501  
(505) 827-6641  
(505) 827-6681 (F)

**CERTIFICATE OF SERVICE**

I hereby certify that, pursuant to NMSA 1978, §61-1-5 of the Uniform Licensing Act, a true and correct copy of the foregoing Notice of Contemplated Action was mailed to the Licensee, John Shipley, at his last known address as shown by the PLB's records, P.O. Box 19823 Amarillo, Texas 79114, by certified mail, return receipt item no. 3008 3030 0000 0805 0010 and by regular, first-class mail, this 13<sup>th</sup> day of December, 2012.

  
Kara Herrmann, Paralegal

