

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the License
of Terry McMurry

17-PPC-11

FINAL ORDER

NOW, on this 11th day of July 2017, 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, John Bacon, Kathy Busch, Sally Cauble, Deena Horst, Jim McNiece, Ann Mah, Steve Roberts, Janet Waugh, and Ken Willard.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on June 2, 2017. Terry McMurry appeared not. The Kansas State Department of Education appeared through its attorney, Kelli M. Broers. After reviewing the evidence, the Commission voted 6 – 0, to recommend the Board revoke Mr. McMurry's application.

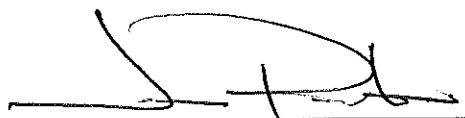
WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by Linda Sieck, Commission Chair, who was available to answer the Board's questions and being otherwise duly advised in the premises, the Board adopted the Commission's findings of fact and conclusions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

This Final Order is made and entered this 11th day of July 2017.

Kansas State Board of Education



BY: Jim Porter, Chairman
Signed August 8th, 2017

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

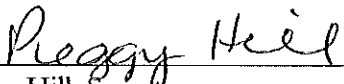
CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of August 2017, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Terry McMurry, KDOC# 0115128
Larned Correctional Mental Health Facility
1318 KS Highway 264
Larned, Kansas 67550

And via interoffice mail to:

Kelli Broers
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 License
of Terry McMurry

17-PPC-11

INITIAL ORDER

The above-captioned case comes before the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) upon the complaint seeking revocation of Terry McMurry's teaching license.

The Commission reviewed this matter on June 2, 2017. Appearing for the Commission were Chairman Linda Sleck and members Dorsey Burgess, John McKinney, Vici Jennings, Sylvia Ramirez, and Jessica Snider. Kelli Broers appeared as counsel for KSDE. McMurry did not appear.

FINDINGS OF FACT

1. Terry McMurry, 1318 KS Highway 264, Larned, Kansas 67550, currently holds a professional teaching license. He has held a Kansas license since 2006.
2. On August 15, 2016, an Amended Complaint was filed in Case No. 2015 CR 1085, District Court of Reno County, Kansas, wherein McMurry was charged with seven felonies:
 - a. Possession of marijuana with intent to sell; 25 grams -- 450 grams;
 - b. Possession of cocaine with intent to sell; < 3.5 grams;
 - c. Possession of drug paraphernalia with intent to package a controlled substance for sale;
 - d. Unlawful possession of drug proceeds;
 - e. Aggravated endangering a child;
 - f. Sale of marijuana; < 25 grams; and
 - g. Unlawful distribution of a controlled substance using a communication device.
3. Ultimately, the court convicted McMurry of all but two counts listed above: possession of drug paraphernalia with intent to package a controlled substance for sale and unlawful distribution of a controlled substance using a communication device. He received varying sentences for each count convicted. But all sentences ran concurrent to the underlying sentence for his primary offense of conviction,

possession of marijuana with intent to sell. For that, he received a 56-month prison sentence and a 36-month postrelease supervision term.

4. McMurry is currently incarcerated and his earliest possible release date is April 23, 2020.

5. On April 4, 2017, KSDE filed a complaint under K.A.R. 91-22-5a. That complaint was placed in the mail, by certified mail, return receipt requested, to McMurry and it was delivered on April 10, 2017.

6. McMurry did not request a hearing or file an answer to KSDE's complaint.

CONCLUSIONS OF LAW

1. In Kansas, teaching and school administration are considered professions with all the similar rights, responsibilities, and privileges accorded other legally recognized professions. K.S.A. 72-8501.

2. 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. K.S.A. 72-7513 and Kan. Const., Art. VI.

3. By order of the State Board, the Commission shall investigate and conduct hearings pertaining to allegations of misconduct.

4. A written certificate of service is sufficient to presume service. Furthermore, service by mail is complete upon mailing. See K.S.A. 77-531.

5. A party must request a hearing within 15 days of service of a complaint. K.S.A. 77-542.

6. A party has 20 days to file an Answer upon receipt of a complaint. If no answer is filed, the person is deemed to have admitted the allegations contained in the complaint and to have acquiesced in the proposed action. K.A.R. 91-22-9.

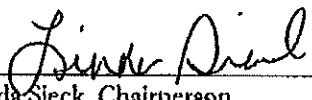
7. The State Board may revoke a teaching license when a licensee engages in drug-related crime, any crime involving a child, or any felony crime. K.A.R. 91-22-1a.

8. The Commission, after reviewing the evidence in this matter and considering the applicable law, believes revocation of McMurry's license is appropriate.

THEREFORE the Professional Practices Commission recommends to the State Board, by a vote of 6 - 0, that McMurry's license be revoked.

This Initial Order is made and entered this June 2, 2017.

PROFESSIONAL PRACTICES COMMISSION



Linda Sieck, Chairperson
Order signed on June 14, 2017.

NOTICE

This Order is not a final order. The Kansas State Board of Education must review the order 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, 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 upon the opposing party. Any response or reply briefs must also be filed with the State Board Secretary at the address indicated above.

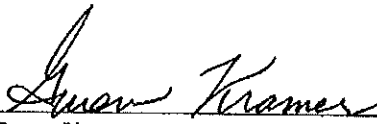
CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of June 2017, I filed a true and correct copy of the above and foregoing with the Secretary for the Kansas State Board of Education and I mailed one copy by certified mail, return receipt requested, to:

Terry McMurry, KDOC# 0115128
Larned Correctional Mental Health Facility
1318 KS Highway 264
Larned, Kansas 67550

and via interoffice mail to:

Kelli Broers
Kansas State Department of Education
900 SW Jackson Street, Suite 102
Topeka, Kansas 66612


Gwen Kramer
Secretary, Professional Practices Commission