

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Professional License
of Melisha Colon-Ramos

16-PPC-03
17ED0002

FINAL ORDER

NOW, on this 10th day of January, 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, and Janet Waugh.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on November 18, 2016. Melisha Colon f/k/a Melisha Colon-Ramos, appeared in person. The Kansas State Department of Education appeared by and through its attorney, Kelli M. Broers. After reviewing the evidence, the Commission voted 6 – 0 to recommend the State Board publicly censure Ms. Colon.


WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by Linda Sieck, Commission Chairman, 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 – 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 Melisha Colon is publicly censured.

This Final Order is made and entered this 10th day of January, 2016.

Kansas State Board of Education


BY: Jim Porter, Chairman
Signed January 11, 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

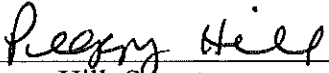
CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of January, 2017, 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:

—
Melisha Colon
4125 NW 79th Terrace, Apt. 18
Kansas City, Missouri 64151

And via interoffice mail to:

Kelli Broers
Assistant General Counsel
900 SW Jackson Street, Ste. 102
Topeka, Kansas 66612



Peggy Hill, Secretary
Kansas State Board of Education

BEFORE THE PROFESSIONAL PRACTICES COMMISSION
KANSAS STATE DEPARTMENT OF EDUCATION

In the Matter of the
Professional License of
Melisha Colon

Case No. 16-PPC-03
OAH No. 17ED0002

INITIAL ORDER

Statement of Case

The above-captioned case comes on for hearing before the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) upon the Amended Complaint filed by the KSDE seeking revocation of the license of Melisha Colon.

The hearing on this matter was convened on November 18, 2016. Appearing for the Commission were chairperson, Linda Sieck, and members, Dorsey Burgess, Vici Jennings, John McKinney, Sylvia Ramirez, and Jessica Snider.

Ms. Colon appeared *pro se* and testified on her own behalf.

Kelli Broers appeared as counsel for the KSDE.

The only witness called to testify, other than Ms. Colon, was Cathy Foster.

Findings of Fact

1. Ms. Colon has been licensed as a teacher in Kansas since 2010.
2. On November 23, 2013, at approximately 1:15 a.m., two Shawnee County Sheriff officers were dispatched in response to a residential alarm at Ms. Colon's home.
3. Upon arrival, the officers found Ms. Colon's son, who was five years old at that time, alone in the home. Ms. Colon's son told the officers that he woke up and could not find his mother so he set the alarm off since they do not have a telephone.
4. The alarm company advised Shawnee County Sheriff dispatch that they had reached Ms. Colon. She had told the alarm company that her son was with a babysitter and that they had gone to the babysitter's house because she was unable to shut off the alarm. The officers told dispatch to contact Ms. Colon to advise her that they were with her son, that there was no babysitter, and to come home. Dispatch stated the name of the babysitter given by Ms. Colon was "Cat Foster."
5. Prior to Ms. Colon's arrival, a third officer arrived to assist with the incident.
6. When Ms. Colon arrived home she told the officers that she had left her son with Cat Foster, a neighbor. Ms. Foster is also a teacher. Ms. Colon said that she had received a call from Ms. Foster that the alarm was going off and after being unable to shut it off, Ms. Foster told her that she was leaving and taking Ms. Colon's son with her.
7. The officers checked Ms. Colon's cell phone and found no recent calls to or from Ms. Foster. Two of the officers left to go to Ms. Foster's home.

8. After they left, Ms. Colon asked if she could go to the bathroom. In the bathroom, she called Ms. Foster to tell her the officers were on the way to her house. She also deleted some of the calls from her call history.

9. Ms. Foster told the officers that she was never at Ms. Colon's house that evening. She also told the officers that Ms. Colon had called her and told her not to answer her door and that the officers would go away.

10. The officer who remained with Ms. Colon confronted her with the inconsistent story provided by Ms. Foster. Ms. Colon then provided a different version of the evening's events. She stated that Ms. Foster had agreed to watch her son and then after she and Ms. Foster had a verbal dispute, Ms. Foster left. Ms. Colon stated she went ahead and left thinking that Ms. Foster would return to stay with her son.

11. When asked why she lied about Ms. Foster's involvement and the events of the evening, Ms. Colon stated that she was trying to protect Ms. Foster.

12. After attempting to first blame Ms. Foster for her son being left alone, Ms. Colon eventually admitted to the officer that she was responsible for her son and should have made sure somebody was with him before she left.

13. Based on the investigation, the officers concluded that Ms. Colon knowingly and unreasonably caused or permitted a child under the age of 18 years to be placed in a situation in which the child's life, body, or health may be endangered by leaving her son home alone with only the house alarm set and no adult supervision for her son.

14. Sgt. Wright, one of the officer's responding to the call, stated in his report that even though Ms. Colon left her son by himself, he did not have any reason to believe the son was in danger staying there with her as the house was in good condition and there was plenty of food. Sgt. Wright also noted in his report that Ms. Colon's son looked like he was well taken care of despite Ms. Colon's "bad decision by leaving him alone by himself, committing the crime of child endangerment." In the report, Sgt. Wright indicated that they did not believe Ms. Colon would repeat this mistake again as she was worried that she would lose her teaching job and custody of her child as well.

15. Ms. Colon was advised that the officers would be preparing an offense report for child endangerment and forwarding it to the District Attorney's office for review.

16. On December 26, 2013, Ms. Colon was charged with endangering a child in violation of K.S.A. 21-5601(a), a class A person misdemeanor, in the District Court of Shawnee County, Kansas, Case No. 13-CR-002704.

17. On or about February 17, 2014, Ms. Colon applied for an upgrade to a professional license and for a teaching endorsement. She did not, however, disclose on either application that she had been charged with a crime involving a child.

18. On February 26, 2015, fourteen months after the criminal Complaint/Information was filed, Ms. Colon signed an Agreement for Pretrial Diversion. Her attorney signed the Certificate of Counsel on May 1, 2015.

19. Ms. Colon's case was diverted for a term of 12 months from the May date when the agreement was executed.

20. On April 26, 2016, Dr. Scott Myers, Director of Teacher Licensure and Accreditation for the KSDE, filed the Amended Complaint seeking revocation of Ms. Colon's license and any associated endorsements.

21. On May 6, 2016, Ms. Colon successfully completed diversion.

Conclusions of Law
and
Discussion

1. 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: 2) “conviction of any crime involving a minor;” and 12) “obtaining, or attempting to obtain, a license by fraudulent means or through misrepresentation of material facts.”

2. For the following reasons, the Commission found that revocation was not warranted.

3. With regard to Ms. Colon's failure to disclose on the applications she submitted to the Department of Education in February 2014 that she had been charged with a crime involving a child, the Commission found Ms. Colon's explanation plausible.

4. Ms. Colon testified that when she filled out the applications, she did not consider the criminal complaint served on her as “having criminal charges” against her. Ms. Colon claimed that she did not hear that anything was happening to her until early May 2015 when, upon legal advice, she was told to enter into a diversion agreement to protect herself from a misdemeanor charge that she did not deserve.

5. Certainly, if Ms. Colon had questions regarding how to complete the applications, she could have contacted the Department of Education and/or her attorney.

6. As to her leaving her son unattended, there was no evidence that Ms. Colon had left her son unattended before the November 23 incident. There was also no evidence that Ms. Colon has engaged in similar conduct in the three years since the incident.

7. While what actually occurred the evening of November 23 is still unclear, notwithstanding that the Commission found Ms. Foster's account of the incident credible, the Commission believes that Ms. Colon has accepted responsibility for failing to assure that her child was not left unattended or for leaving her child unattended.

8. While none of the reference letters provided by Ms. Colon indicated that they were written with the knowledge of this incident, all indicated that Ms. Colon is a well-respected educator.

9. The Commission found, however, that based on the following, public censure is warranted.

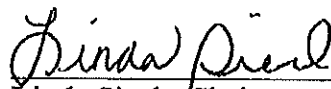
10. Ms. Colon exhibited a lack of judgment leaving her son unattended, by providing inconsistent statements to the sheriff's officers, contacting Ms. Foster and telling her not to answer the door, and deleting her call history while the officers were conducting their investigation. Such conduct is not what is expected of a professional.

IT IS THEREFORE RECOMMENDED by the Professional Practices Commission to the Kansas State Board of Education, on a vote of 6-0, that Melisha Colon should be publicly censured.

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.

The licensee 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. The legal brief must be filed with the Secretary of the Professional Practices Commission, Kansas State Department of Education, 900 SW Jackson Street, Topeka, Kansas 66612, within fifteen days after service of the Initial Order for transmittal to the Kansas State Board of Education.

This Initial Order is made and entered this 5 day of December, 2016.



Linda Sieck, Chairman
Professional Practices Commission


CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of December, 2016, a true and correct copy of the above and foregoing Initial Order was served on:

Melisha Colon
4125 NW 79th Terr., Apt. 18
Kansas City, MO 64151

Kelli M. Broers, Assistant General Counsel
Kansas State Department of Education
900 SW Jackson St.
Topeka, KS 66612

Gwen Kramer, Secretary
Professional Practices Commission
Kansas State Department of Education
900 SW Jackson St.
Topeka, KS 66612



Staff Person