

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the License
of Matthew DeMoss

15-PPC-56
OAH No. 16ED0015

FINAL ORDER

NOW, on this 12th day of July, 2016, the above-captioned matter comes for consideration by the Kansas State Board of Education (Board). Appearing for the Board are Chairman, Jim McNiece, and members, John Bacon, Kathy Busch, Sally Cauble, Deena Horst, Jim Porter, Steve Roberts, Janet Waugh, and Ken Willard, and Carolyn Wims-Campbell.

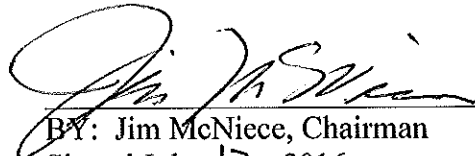
WHEREUPON the Kansas State Department of Education filed a complaint requesting the revocation of Mr. DeMoss' license. In lieu of a hearing, Mr. DeMoss submitted a voluntary surrender of his license for revocation. The Commission reviewed the matter on June 1, 2016. After review, the Commission voted 7 – 0 to recommend Mr. DeMoss' voluntary surrender of his license should be accepted and his teaching license should be revoked.

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 10 – 0. All findings and conclusions 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 Mr. Matthew DeMoss' teaching license is revoked.

This Final Order is made and entered this 12th day of July, 2016.

Kansas State Board of Education


BY: Jim McNiece, Chairman
Signed July 13, 2016

NOTICE TO LICENSEE

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 15th day of July, 2016, 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:

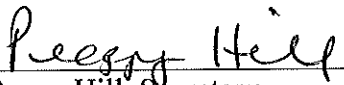
Matthew DeMoss
601 S. Mt. Carmel Road,
Frontenac, Kansas 66763

And via U.S. Mail to:

Henry C. Menghini
The Menghini Law Firm
302 East Fourth Street, Ste. A
P.O. Box 1988
Pittsburg, Kansas 66762

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 KANSAS STATE BOARD OF EDUCATION
PROFESSIONAL PRACTICES COMMISSION**

In the Matter of
the License
of Matthew DeMoss

15-PPC-56
OAH No. 16ED0015

INITIAL ORDER

The above-captioned case comes before the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) upon Matthew DeMoss' submission of a voluntary surrender of his license.

The matter convened on June 1, 2016. Appearing for the Commission were chairman, Linda Sieck, and members, Dorsey Burgess, Justin Henry, John McKinney, Bradley Nicks, Ginger Riddle, and Jessica Snider.

Kelli Broers appeared as counsel for KSDE.

Matthew DeMoss appeared not.

FINDINGS OF FACT

1. Currently, Matthew DeMoss holds a Kansas teaching license and has been licensed in Kansas since 2011.
2. On January 15, 2015, Mr. DeMoss was charged with misdemeanor battery in violation of K.S.A. 2011 Supp. 21-5413(a)(2) in the District Court of Crawford County, Kansas, Case No. 15-CR-177P. The victim was a child.
3. More specifically, Mr. DeMoss was a special education teacher employed with SEK Interlocal #637. The victim was his student, a blind, non-verbal child who suffers from physical disabilities that require he be in a wheelchair. The act occurred during school hours and resulted in a bruise on the child's nose.
4. On October 8, 2015, Mr. DeMoss pleaded guilty and was convicted of misdemeanor battery.

5. After receiving the complaint filed in this matter and conducting discovery, Mr. DeMoss agreed to voluntarily surrender his license to the Kansas State Board of Education (State Board) for revocation as a result of his conduct and criminal conviction. He stipulated he had battered a 14-year-old disabled student and was, consequently, convicted of misdemeanor battery.

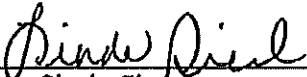
CONCLUSIONS OF LAW AND DISCUSSION

1. A member of the teaching or school administration profession may voluntarily surrender his license to the Commission. The Commission shall investigate the surrender and make a recommendation to the State Board for disposition of the license. K.A.R. 91-22-5a(e).
2. The State Board may revoke a license for misconduct or other just cause including conviction of misdemeanor battery for conduct involving a child. K.A.R. 91-22-1a. Mr. DeMoss' misdemeanor battery conviction in Case No. 15-CR-177P is grounds for revocation of his teaching license.
3. The State Board may also revoke a license for the commission of any act that injures the health or welfare of a minor through physical abuse. K.A.R. 91-22-1a(a)(7). The Commission finds Mr. DeMoss' underlying conduct injured the child through physical abuse and therefore is grounds for revocation of his teaching license.

IT IS THEREFORE RECOMMENDED by the Professional Practices Commission to the Kansas State Board of Education, by a vote of 7 - 0, that Mr. DeMoss' voluntary surrender be accepted and his license be revoked as a result of his misconduct and criminal convictions.

This Initial Order is made and entered this June 1, 2016.

PROFESSIONAL PRACTICES COMMISSION


Linda Sieck, Chairman
Order signed on June 24, 2016.

NOTICE TO LICENSEE

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

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. 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

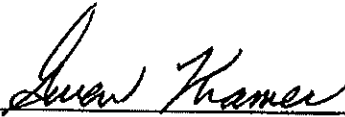
I hereby certify that on this 24th day of June, 2016, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education and one (1) copy was mailed by certified mail, return receipt requested, to:

Matthew DeMoss
601 S. Mt. Carmel Road,
Frontenac, Kansas 66763

Henry C. Menghini
The Menghini Law Firm
302 East Fourth Street, Ste. A
P.O. Box 1988
Pittsburg, Kansas 66762

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