

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of  
the License  
of Eliot Eichbauer

16-PPC-41

FINAL ORDER

NOW, on this 18<sup>th</sup> day of April 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, Sally Cauble, Deena Horst, Jim McNiece, Ann Mah, Steve Roberts, Janet Waugh, and Ken Willard. Board member Willard appeared by telephone.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on February 3, 2017. Eliot Eichbauer appeared not. The Kansas State Department of Education appeared through its attorney, Kelli M. Broers. After reviewing the evidence, the Commission voted 7 – 0 to recommend Eichbauer's teaching license should be suspended until April 1, 2019.

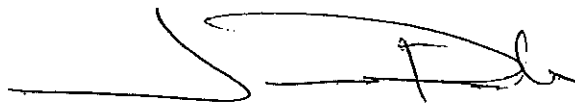
WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by John McKinney, Commission member, who was available to answer the Board's questions and being otherwise duly advised in the premises, the Board adopted the Commission's findings of fact and conclusions of law by a vote of 8 – 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 Eliot Eichbauer's teaching license should be suspended until April 1, 2019.

This Final Order is made and entered this 18<sup>th</sup> day of April 2017.

Kansas State Board of Education



BY: Jim Porter, Chairman  
Signed April 22, 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 25<sup>th</sup> day of April 2017, I e-mailed a true and correct copy of the above and foregoing to Eliot Eichbauer at: [jdoe@gmail.com](mailto:jdoe@gmail.com).

And via interoffice mail to:

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

  
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Peggy Hill, Secretary  
Kansas State Board of Education

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<sup>1</sup> The last mailing to Mr. Eichbauer was returned with no forwarding address. This is the e-mail address on file with KSDE.

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

In the Matter of  
the License  
of Elliot Eichbauer

16-PPC-41

**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 suspension of Elliot Eichbauer's teaching license.

The Commission reviewed this matter on February 3, 2017. Appearing for the Commission were Vice-Chairman Dorsey Burgess, and members Justin Henry, Vick Jennings, John McKinney, Sylvia Ramirez, Ginger Riddle, and Maret Schrader.

Kelli Broers appeared as counsel for KSDE.

Elliot Eichbauer did not appear.

**FINDINGS OF FACT**

1. Elliot Eichbauer holds a Kansas teaching license.
2. During the 2015 – 2016 school year, Eichbauer was employed as a teacher.
3. On March 25, 2016, Eichbauer was in possession of marijuana and drug paraphernalia including pipes, bongs, a scale, and rolling papers and plates. As a result, he pleaded no contest to and was convicted of misdemeanor possession of marijuana in Case No. 2016 DR 401, in the Municipal Court of the City of Wichita.
4. Eichbauer was granted a 12-month probation term.
5. KSDE filed a complaint pursuant to K.A.R. 91-22-5a on December 2, 2016. That complaint was placed in the mail, by certified mail, return receipt requested, to Eichbauer's last known address. It was delivered on December 21, 2016.
6. Eichbauer did not request a hearing or file an answer to KSDE's complaint.

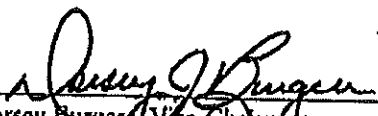
### CONCLUSIONS OF LAW

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. Mailing notice to a party's last known address is a permissible form of service. 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 suspend a license for a drug-related conviction. K.A.R. 91-22-1a(a)(4).
8. The Commission after reviewing the evidence in this matter and considering the applicable law, believes suspension of Elchbauer's license is appropriate.

THEREFORE the Professional Practices Commission recommends to the State Board, by a vote of 7 - 0, that Eliot Eichbauer's teaching license should be suspended until April 1, 2019.

This Initial Order is made and entered this February 3, 2017.

PROFESSIONAL PRACTICES COMMISSION

  
Dorsey Burgess, Vice Chairman  
Order signed on February 24, 2017

NOTICE

This Order 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 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.

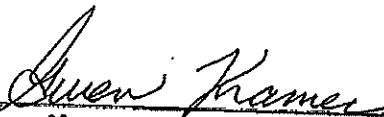
**CERTIFICATE OF SERVICE**

I hereby certify that on this 27<sup>th</sup> day of February 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:

Eliot Eichbauer  
P.O. Box 2464  
Wichita, Kansas 67201

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