

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of  
the License of  
Keith Butler

23-PPC-02

**FINAL ORDER**

NOW, on this 9th day of May 2023, the above-captioned matter comes for consideration by the Kansas State Board of Education (Board). Appearing for the Board are Chairwoman, Melanie Haas, and members, Betty Arnold, Dennis Hershberger, Michelle Dombrosky, Cathy Hopkins, Deena Horst, Jim McNiece, Ann Mah, Jim Porter and Danny Zeck.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on April 21, 2023. Keith Butler did not appear. The Kansas State Department of Education appeared through its attorney, R. Scott Gordon. After reviewing the evidence, the Commission voted **9 – 0**, to recommend the Board retroactively revoke Keith Butler's professional teaching license.

WHEREUPON the Board reviewed the Commission's Initial Order. 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 Keith Butler's professional license is retroactively revoked.

This Final Order is made and entered this 9th day of May 2023.

Kansas State Board of Education



BY: Melanie Haas, Chairwoman  
Signed May 10, 2023

**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.

Barbara Hughes  
Secretary, Kansas State Board of Education  
Landon State Office Building  
900 SW Jackson Ave. Suite 600N  
Topeka, Kansas 66612

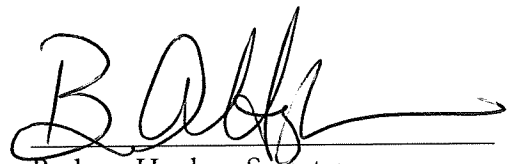
**CERTIFICATE OF SERVICE**

I hereby certify that on this 11 day of May 2023, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Keith Butler  
903 215<sup>th</sup> St.  
Fort Scott, Kansas 66701

And via interoffice mail to:

R. Scott Gordon  
Kansas State Department of Education  
900 SW Jackson Street, Ste. 102  
Topeka, Kansas 66612



Barbara Hughes, Secretary  
Kansas State Board of Education

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

In the Matter of  
the License of  
Keith Butler

23-PPC-02

**INITIAL ORDER**

The above-captioned case comes on for hearing before the Professional Practices Commissioner (“Commission”) of the Kansas State Board of Education (State Board) upon the Complaint filed by the Kansas State Department of Education seeking revocation of Keith Butler’s (Licensee) professional license.

The hearing on this matter was held on April 21, 2023. Appearing for the Commission were chairperson, Jennifer Holt, and members, Aaron Edwards, Eric Filippi, LeighAnne Rogers, Darrin San Romani, Ricardo Sanchez, Carey Spaulding, Jamie Wetig and Christy Ziegler. The KSDE appeared by and through General Counsel, R. Scott Gordon. Licensee did not appear.

**FINDINGS OF FACT**

1. Licensee was licensed by the Kansas State Board of Education from 1990 to June 26, 2022.
2. On October 18, 2022, Licensee entered into a 24-month diversion agreement after having been charged with crimes involving drugs and or/felonies, to wit: Distribution or Possession with Intent to Distribute Methamphetamine, level 4 drug felony; Unlawful Possession of Drug Paraphernalia, level 5 drug felony; Unlawful Possession of Controlled Substances (Marijuana), misdemeanor; Unlawful Possession of Drug Paraphernalia, misdemeanor. 2019-CR-610. Licensee’s drug possession occurred in 2019, while he was licensed by the State Board.
3. On February 13, 2023, the Kansas State Department of Education filed a formal Complaint requesting the revocation of Licensee’s professional teaching license. The Complaint was mailed to Licensee’s last known address by standard and by certified mail.
4. Licensee did not respond to the Complaint. He filed no answer and did not request a hearing.

**CONCLUSIONS OF LAW**

1. The Kansas State Board of Education (State Board) is responsible for the general supervision of Kansas education, including the certification and licensure of teachers. Kan. Const., Art. VI and K.S.A. 72-255.

2. One of the obvious goals of education is to “instill respect for the law.” Hainline v. Bond, 250 Kan. 217 (1992). An educator is a role model. Hainline at 224.
3. Teaching and school administration are professions with all the similar rights, responsibilities and privileges accorded other legally recognized professions. K.S.A. 72-2308.
4. Licensee did not deny any allegations of the Complaint, nor did he provide any evidence of remorse, rehabilitation, or recognition of the wrongfulness of his actions.
5. The Kansas State Board of Education may revoke the license of any teacher for misconduct or other just cause including diversion for any felony and any crime involving drugs K.A.R. 91-22-1a.
6. A party may be served by mailing a notice to the person’s last known address. K.A.R. 77-531.
7. If a party fails to participate in the adjudicative process, the party may be found to have conceded to the outcome requested by the filed complaint.

THEREFORE the Professional Practices Commission recommends to the State Board, by a vote of 9-0, that Licensee’s license be retroactively revoked immediately, based on criminal misconduct, entering a diversion agreement after having been charged with crimes involving drugs and/or felonies, and failure to participate in the administrative proceedings.

This Initial Order is made and entered this April, 2023.

PROFESSIONAL PRACTICES COMMISSION



Jennifer Holt, Chairperson

Order signed on 4/21, 2023.

## NOTICE TO APPLICANT

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.

Barbara Hughes  
Secretary, Kansas State Board of Education  
900 SW Jackson Street, Suite 600  
Topeka, KS 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.

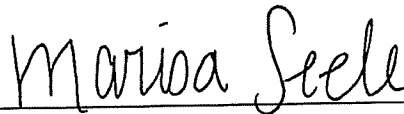
**CERTIFICATE OF SERVICE**

I hereby certify that on this 24<sup>th</sup> day of April, 2023, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education, one (1) copy was mailed by certified mail, return receipt requested; and one (1) copy was mailed by first-class prepaid postage mail, to:

Keith Butler  
903 215<sup>th</sup> St.  
Fort Scott, Kansas 66701

And via interoffice mail to:

R. Scott Gordon  
Kansas State Department of Education  
900 SW Jackson Street, Suite 102  
Topeka, Kansas 66612



\_\_\_\_\_  
Marisa Seele  
Secretary, Professional Practices Commission