

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the License of
Michael Melcher

17-PPC-25

FINAL ORDER

NOW, on this 14th day of November 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 September 22, 2017. Michael Melcher 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 the Board revoke Mr. Melcher’s license.

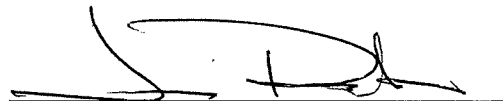
WHEREUPON the Board reviewed the Commission’s Initial Order and after considering the presentation by Linda Sieck, Commission Chair, who was available to answer the Board’s questions and being otherwise duly advised in the premises, the Board adopted the Commission’s findings of fact and conclusions 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 Michael Melcher’s license be revoked.

This Final Order is made and entered this 14th day of November 2017.

Kansas State Board of Education



BY: Jim Porter, Chairman
Signed November 28, 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

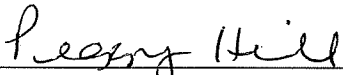
CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of November 2017, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Michael Melcher, KDOC #0116369
Lansing Correctional Facility--East
301 E. Kansas Ave
Lansing, Kansas 66043

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
Michael Melcher

17-PPC-25

INITIAL ORDER

The above-captioned case comes before the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) to determine whether Michael Melcher shall be subject to discipline up to and including revocation of his license.

This matter convened on September 22, 2017. Appearing for the Commission were Chairman Linda Sieck and members Laura Batson, Vici Jennings, John McKinney, Sylvia Ramirez, Maret Schrader, and Jessica Snider. Kelli Broers appeared as counsel for KSDE. Michael Melcher appeared not.

FINDINGS OF FACT

1. Michael Melcher, age 33, holds a Kansas professional teaching license, which is valid through April 20, 2018. His last known address is 301 E. Kansas Avenue Lansing, Kansas 66043.
2. On May 5, 2017, Melcher was convicted of felony sexual exploitation of a child in violation of K.S.A. 21-5510(a)(1)(b)(1)(B), Case No. 16 CR 507, Butler County District Court.
3. KSDE filed a complaint seeking the revocation of Melcher's license. It was mailed to his last known address at the Lansing Correctional Facility by certified mail, return receipt requested. It was delivered. Melcher did not file an answer and he did not request a hearing.

CONCLUSIONS OF LAW

1. 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.

2. In Kansas, teaching and school administration are professions with all the similar rights, responsibilities, and privileges accorded other legally recognized professions. K.S.A. 72-8501. An educator is a role model. Hainline v. Bond, 250 Kan. 217, 224 (1992).

3. The Commission investigates and conduct hearings pertaining to allegations of misconduct. K.S.A. 72-8507; K.A.R. 91-22-1a *et seq.*

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.

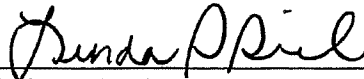
7. The State Board may revoke the license of an individual convicted of a felony or any crime involving a minor. K.A.R. 91-22-1a(a)(1)&(2). It may also revoke the license of anyone who commits an act that injures the health or welfare of a child through sexual exploitation, regardless of whether a conviction results. K.A.R. 91-22-1a(a)(7). The State Board may also cancel a license on grounds of immorality. K.S.A. 72-1383.

8. The Commission, after reviewing the evidence in this matter and considering the applicable law, believes revocation of Melcher's license and any associated endorsements is necessary.

THEREFORE the Professional Practices Commission recommends to the State Board, by a vote of 7 - 0, that it revoke Michael Melcher's license.

This Initial Order is made and entered this September 22, 2017.

PROFESSIONAL PRACTICES COMMISSION



Linda Sieck, Chairperson

Order signed on October 5, 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 5th day of October 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:

Michael Melcher
KDOC# 0116369
Lansing Correctional Facility--East
301 E. Kansas Ave
Lansing, Kansas 66043

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