

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the License of
Kyle McGee

23-PPC-03

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. Kyle McGee 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 Kyle McGee'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 Kyle McGee'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 11th day of May 2023, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Kyle McGee
659 Nighthawk Rd.
Yates Center, Kansas 66783

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
Kyle McGee

23-PPC-03

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 Kyle McGee’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 held a professional teaching license issued by the Kansas State Board of Education between 2012 and July 27, 2022.
2. On or about January 6, 2022, Licensee inappropriately communicated with a student at a nearby school district known to him by way of his employment as the district advisor for Future Farmers of America (FFA).
3. During the 2020-2021 school year, Licensee reached out to a former student of his that had transferred to a virtual school program. At the time, the former student was 17 years old and was known to Licensee by way of his employment as a former teacher of hers. Licensee made sexually explicit comments to that student and attempted to solicit photos from her of a sexual nature. Licensee sent photographs of his penis to that student via Snapchat.
4. During a January, 2013 school trip, Licensee acted as the sponsor and adult supervisor of several students attending a school-sponsored conference. Licensee was aware that two students had engaged in sexual misconduct that was against school policy but did not report that behavior to school administration as required by that district’s policy. On April 4, 2013, Licensee received a Letter of Reprimand from his then-supervisor due to his professional negligence.

5. In October, 2012, while employed as a teacher and FFA sponsor for Ness City High School, Licensee was reprimanded for calling one of his students a “bitch” because she would did not wish to participate in FFA.
6. During the 2011-2012 or 2012-2013 school year, while employed as a teacher and FFA sponsor for High City High School, Licensee was reprimanded by then-Superintendent Hickel for sending inappropriate, suggestive text messages to a student. Licensee resigned from that teaching position prior to any action by the school board.
7. 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.
8. 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. Applicant 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. 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 inappropriate

and suggestive text messages with a student, professional negligence, 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.

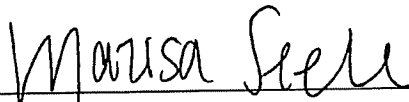
CERTIFICATE OF SERVICE

I hereby certify that on this 24th 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:

Kyle McGee
659 Nighthawk Rd.
Yates Center, Kansas 66783

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