

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Professional License
of Peter Henderson

13-PPC-52

FINAL ORDER

NOW, on this 17th day of April, 2015, the above-captioned matter comes for consideration by the Kansas State Board of Education (Board) upon the professional license of Peter Henderson.

WHEREUPON, a complaint was filed by the Kansas State Department of Education and Mr. Henderson had the opportunity to respond to the complaint. Mr. Henderson did not respond to the complaint. The complaint and supporting evidence were reviewed by the Professional Practices Commission (Commission).

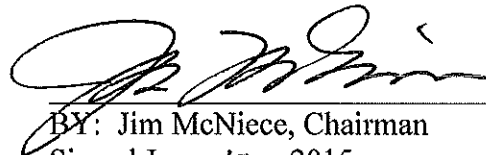
WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by Calin Kendall, Chairman of the Commission, who was available to answer the Board's questions and being otherwise duly advised in the premises, the Board adopted the Commission's findings of fact and 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 Peter Henderson's teaching license and any endorsements shall be revoked immediately.

This Final Order is made and entered this 17th day of April, 2015.

Kansas State Board of Education



BY: Jim McNiece, Chairman
Signed June 10, 2015

NOTICE TO APPLICANT

You may request a reconsideration of the above Order. To do so, you must file a Petition for Reconsideration with the Secretary to the State Board of Education, at the address stated below, within 15 days after service of this Final Order. The Petition must state the specific grounds upon which relief is requested.

The filing of a Petition for Reconsideration is not a prerequisite for seeking judicial review.

Peggy Hill
Secretary, KSBE
Landon State Office Building
900 SW Jackson Ave. Suite 600N
Topeka, Kansas 66612

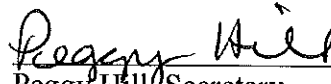
CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of June, 2015, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Peter Henderson
5111 Meridian Avenue, Lot 230
Wichita, Kansas 67217

And via interoffice mail to:

Kelli M. Broers
Attorney, Kansas State Department of Education
Landon State Office Building
900 SW Jackson Ave., Suite 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 Professional License
of Peter Henderson

13-PPC-52

INITIAL ORDER

COMES NOW the Professional Practices Commission on this *20th* day of February, 2015 and makes the following recommendations to the Kansas State Board of Education.

FINDINGS OF FACT

1. The Kansas State Department of Education filed a Complaint pursuant to K.A.R. 91-22-5a on November 22, 2013 [Attached as Appendix I]. That same Complaint was served by certified mail, return receipt requested, to two known addresses of Peter Henderson's. Both were returned as undeliverable. Exhibit A. Mr. Henderson has never updated his address with the State Department of Education.
2. Mr. Henderson, License #2656432642, is currently licensed by the Kansas State Board of Education and has been since December 1982.
3. Court documents on file in Sedgwick County District Court indicate Mr. Henderson was convicted and sentenced September 3, 2013, of two counts of Aggravated Assault, both felonies, and one count of Aggravated Battery, a felony. The court found these offenses were committed with a deadly weapon. Exhibit 1 of the Complaint.
4. Mr. Henderson has not filed a Request for a Hearing nor has he submitted an Answer. The Complaint specifically advises the Licensee that "If no answer is filed within 20 days, [Licensee] will be deemed to have admitted the allegations contained in the Complaint and acquiesced in the proposed action. An Initial Order will be entered recommending the revocation of your teaching license for the reasons stated in the Complaint and that notice of the revocation will be provided to all education agencies in the State of Kansas and to the agency responsible for issuing educator licenses/certificates in each of the other states."

CONCLUSIONS


1. Any license issued by the State Board may be suspended or revoked, or the license holder may be publicly censured by the State Board for misconduct or other just cause. K.A.R. 91-22-1a.
2. Pursuant to K.S.A. 72-8501, the Legislature has declared teaching and school administration to be professions in Kansas with all the similar rights, responsibilities and privileges accorded other legally recognized professions. An educator is in a position of public trust.

3. Mr. Henderson's felonious criminal conduct of assaulting others with a deadly weapon is inconsistent with the commonly-held perceptions and expectations of a member of the teaching profession. Such conduct violates the public trust and confidence placed in members of the profession.
4. Mr. Henderson's felonious criminal conduct of assaulting others with a deadly weapon demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching and school administration professions and is sufficient and just cause for revoking his license pursuant to K.A.R. 91-22-1a.

IT IS THEREFORE CONCLUDED by the Professional Practices Commission, by a vote of 8-0, subject to review by the State Board of Education, that Peter Henderson's professional teaching license and any endorsements should be revoked immediately.

This Initial Order is made and entered this February 26, 2015.

PROFESSIONAL PRACTICES COMMISSION



Calin Kendall, Chairman

Order signed on 2/26, 2015.

NOTICE TO APPLICANT

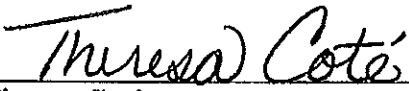
This Order of the Professional Practices Commission is not a Final Order and is required to be reviewed by the State Board of Education in accordance with the provisions of the Kansas Administrative Procedure Act.

You may submit to the State Board of Education 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 2nd day of March, 2015, 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:

Peter Henderson
5111 Meridian Avenue, Lot 230
Wichita, Kansas 67217



Theresa Cote
Secretary, Professional Practices Commission

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

In the Matter of
the Professional License
of Peter Henderson

13-PPC-52

APPENDIX I

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

In the Matter of
the Professional License
of Peter Henderson

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13-PPC- 52

COMPLAINT

COMES NOW on this 21 day of November, 2013, Scott Myers, Director of Teacher Licensure and Accreditation, Kansas State Department of Education, 900 SW Jackson Ave. Suite 106, Topeka KS 66612 submits the following:

1. Peter Henderson, License #2656432642, of 323 S. Water, Derby KS 67037 is currently licensed by the Kansas State Board of Education and has been since December 1982.
2. Court documents on file in Sedgwick County District Court indicate Mr. Henderson was convicted and sentenced Sept. 3, 2013 of two counts of Aggravated Assault, both felonies, and one count of Aggravated Battery, a felony. The Court found these offenses were committed with a deadly weapon. [Exhibit 1, attached].
3. Any license issued by the State Board may be suspended or revoked, or the license holder may be publicly censured by the State Board for misconduct or other just cause. K.A.R. 91-22-1a.
4. Pursuant to K.S.A. 72-8501, the Legislature has declared teaching and school administration to be professions in Kansas with all the similar rights, responsibilities and privileges accorded other legally recognized professions. An educator is in a position of public trust.
5. Mr. Henderson's criminal conduct is inconsistent with the commonly-held perceptions and expectations of a member of the teaching profession. Such conduct violates the public trust and confidence placed in members of the profession.
6. Mr. Henderson's criminal conduct demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching and school administration professions and is sufficient and just cause for revoking his license.

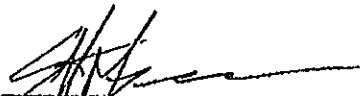
NOTICE

Pursuant to K.A.R. 91-22-1a(h) and K.S.A. 77-512, notice is hereby given of this Complaint and Request for Revocation of Licensee's professional teaching license.

VERIFICATION

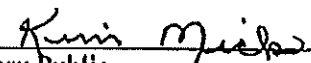
STATE OF KANSAS)
) SS;
COUNTY OF SHAWEE)

Scott Myers, of lawful age, being first duly sworn, on oath deposes and states: That he is the Complainant in the above-captioned action; that he has read the above and foregoing Complaint knows and understands the contents thereof, and states that the statements and allegations contained therein are true and correct, according to his knowledge, information, and belief.



Scott Myers
Director, Teacher Education and Licensure

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on this 21st day of November, 2013.



Notary Public

My appointment expires:

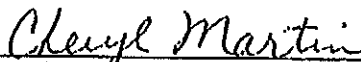
12-29-14



CERTIFICATE OF SERVICE

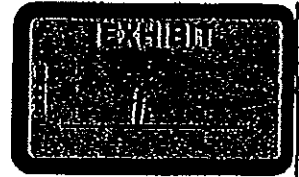
I hereby certify that on this 22nd day of Nov., 2013, a true and correct copy of the above and foregoing Complaint/Notice of hearing was filed with the Secretary for the Professional Practices Commission and one (1) copy was mailed by certified mail, return receipt requested, to:

Peter Henderson
323 S. Water
Derby, KS 67037



Cheryl Martin,
Sr. Administrative Assistant, KSDE

AEN/sms



IN THE EIGHTEENTH JUDICIAL DISTRICT COURT
SEDGWICK COUNTY, KANSAS

2012 JOURNAL ENTRY OF JUDGMENT

SECTION I: CASE IDENTIFICATION INFORMATION		Transaction Number: 30010959980	
STATE v. PETER W. HENDERSON SSN: XXX-XX-1338 ADDRESS: 323 S. Water Derby, KS 67037		<input checked="" type="checkbox"/> Male 1338	Court O.R.I. Number KS087025G
		K.B.I. Number 414608	
County SEDGWICK	Court Case Number 13CR1450	Sentencing Judge FAITH A. MAUGHAN	Sentencing Date 09/03/13
Defense Counsel:	<input checked="" type="checkbox"/> Appointed	Counsel Name: Klaus Dieter Mueller	
Type of Proceeding:	<input checked="" type="checkbox"/> Guilty Plea		
Date of Conviction:	07/09/13		
Pre-Trial Status of Offender:	<input checked="" type="checkbox"/> In Custody		
SECTION II: CRIMINAL HISTORY CLASSIFICATION			
Offender's Overall Criminal History Classification as Found by the Court:		<input checked="" type="checkbox"/> I	
Objections to Criminal History?		<input checked="" type="checkbox"/> No	
SECTION III: CURRENT CONVICTION INFORMATION			
Name of PRIMARY Offense of Conviction: AGGRAVATED BATTERY			
Count No.: <u>1</u>		Date Of Offense: <u>06/02/13</u>	
K.S.A. Title, Section, Subsection(s):		21-5413 (b)(1)(B)	
Grade of Offense:		<input checked="" type="checkbox"/> Felony, Severity Level <u>7</u> <input checked="" type="checkbox"/> Person	
Offense Category:		<input checked="" type="checkbox"/> Nondrug	
Presumptive Sentencing Range: Mid <u>12</u> High <u>13</u> Low <u>11</u> <input checked="" type="checkbox"/> Presumptive Probation			
THIS FORM MUST BE ACCOMPANIED BY A COPY OF THE PRESENTENCE INVESTIGATION FORM PURSUANT TO K.S.A. 2012 Supp. 22-3439 AND A DOCUMENT CONTAINING INFORMATION REQUIRED BY K.S.A. 2012 Supp. 22-3426.			

<input checked="" type="checkbox"/> Offender committed the current crime with a <u>deadly weapon</u> as determined by the court. COMPLETE OFFENDER REGISTRATION SUPPLEMENT.
SENTENCE IMPOSED:
Guideline Range Imposed: <input checked="" type="checkbox"/> Low
Prison Term: KDOC <u>11</u> months <input checked="" type="checkbox"/> Underlying with probation granted.
Postrelease Supervision Term: <input checked="" type="checkbox"/> 12 months
Probation Term: <input checked="" type="checkbox"/> 24 months Probation Supervision to: <input checked="" type="checkbox"/> Community Corrections
Name of ADDITIONAL Offense of Conviction: AGGRAVATED ASSAULT Count No.: <u>3</u> Date Of Offense: <u>06/02/13</u>
Sentences Concurrent or Consecutive: <input checked="" type="checkbox"/> Concurrent to Count(s): <u>1 and 4</u>
K.S.A. Title, Section, Subsection(s): <u>21-5412 (b)(1)</u>
Grade of Offense: <input checked="" type="checkbox"/> Felony, Severity Level <u>7</u> <input checked="" type="checkbox"/> Person
Offense Category: <input checked="" type="checkbox"/> Nondrug
Presumptive Sentencing Range: Mid <u>12</u> High <u>13</u> Low <u>11</u> <input checked="" type="checkbox"/> Presumptive Probation
<input checked="" type="checkbox"/> Offender committed the current crime with a <u>deadly weapon</u> as determined by the court. COMPLETE OFFENDER REGISTRATION SUPPLEMENT.
SENTENCE IMPOSED:
Guideline Range Imposed: <input checked="" type="checkbox"/> Low
Prison Term: KDOC <u>11</u> months <input checked="" type="checkbox"/> Underlying with probation granted.
Postrelease Supervision Term: <input checked="" type="checkbox"/> 12 months
Probation Term: <input checked="" type="checkbox"/> 24 months Probation Supervision to: <input checked="" type="checkbox"/> Community Corrections
Name of ADDITIONAL Offense of Conviction: AGGRAVATED ASSAULT Count No.: <u>4</u> Date Of Offense: <u>06/02/13</u>

Sentences Concurrent or Consecutive: <input checked="" type="checkbox"/> Concurrent to Count(s): <u>1 and 3</u>	
K.S.A. Title, Section, Subsection(s): <u>21-5412 (b)(1)</u>	
Grade of Offense: <input checked="" type="checkbox"/> Felony, Severity Level <u>7</u>	<input checked="" type="checkbox"/> Person
Offense Category: <input checked="" type="checkbox"/> Nondrug	
Presumptive Sentencing Range: Mid <u>12</u> High <u>13</u> Low <u>11</u> <input checked="" type="checkbox"/> Presumptive Probation	
<input checked="" type="checkbox"/> Offender committed the current crime with a deadly weapon as determined by the court. COMPLETE OFFENDER REGISTRATION SUPPLEMENT.	
SENTENCE IMPOSED:	
Guideline Range Imposed: <input checked="" type="checkbox"/> Low	
Prison Term: KDOC <u>11</u> months <input checked="" type="checkbox"/> Underlying with probation granted.	
Postrelease Supervision Term: <input checked="" type="checkbox"/> 12 months	
Probation Term: <input checked="" type="checkbox"/> 24 months Probation Supervision to: <input checked="" type="checkbox"/> Community Corrections	
SECTION V. OTHER CONDITIONS	
General/Special Conditions of Probation In addition to the provisions set forth in K.S.A. 21-4610, the defendant is ordered to comply with the following special conditions of probation: -- Obey the laws of the United States, the State of Kansas, and any other jurisdiction to whose laws he/she may be subject. -- Report to Community Corrections (I.S.O.) as directed. -- Remain within the area of the State of Kansas unless permission to leave is first obtained from the Court. -- Notify the I.S.O. within 24 hours of changes in employment, residence, and phone number, or of any contact with law enforcement. -- No possession or consumption of alcohol or drugs without a legal prescription from a physician. -- Submit to random (Breath) (Blood) (Urinalysis) testing as requested of I.S.O. at defendant's own expense. -- Gain and maintain employment. -- Avoid persons or places of disreputable or harmful character as directed by the Court or I.S.O. -- No contact with Nicholas Mueller or Gary Fears. -- Obey all rules, regulations, and requirements of Community Corrections.	
Costs Ordered:	
Total Restitution	\$
Court Costs	\$ <u>193.00</u>
Booking/Fingerprint Fee	\$ <u>99.00</u>
BIDS Attorney Fees	\$ <u>walved</u>
BIDS Application Fee	\$ <u>100.00</u>
DNA Database Fee	\$ <u>200.00</u>
Correctional Supervision Fee	\$ <u>120.00</u>
The Court finds that restitution is owed in this case in an amount to be determined within 21 days.	

SECTION 101.01 - PROBATION INFORMATION			
Sentence Imposed: Total Underlying Prison Term (If sentence imposed is probation): <u>11</u> months			
Good Time Credit: <input checked="" type="checkbox"/> For each count, the Court pronounced the complete sentence, including the maximum potential good time percentage, [K.S.A. 2010 Supp. 21-4704(e)(2) and 21-4705(o)(2)] <input checked="" type="checkbox"/> 20%			
Postrelease Supervision Term: <input checked="" type="checkbox"/> 12 months			
Probation Term Imposed: <input checked="" type="checkbox"/> 24 months			
Jail Credit:			
<u>J</u>	<u>Sedgewick County Jail</u>	<u>06/03/13 to 07/09/13</u>	<u>37</u> <input checked="" type="checkbox"/> A
Sentencing Date: <u>09/03</u> - Total Number of Days of Jail Credit Actually Awarded <u>37</u> = Sentence Begins Date: _____			
Miscellaneous Provisions:			
<input checked="" type="checkbox"/> Defendant informed of right to appeal within 14 days of this date. K.S.A. 22-3608(c).			
<input checked="" type="checkbox"/> Defendant informed of potential rights of expungement. K.S.A. 2011 Supp. 21-6614c(h)			
<input checked="" type="checkbox"/> Defendant informed of the prohibition against carrying a firearm pursuant to K.S.A. 21-4204 and amendments thereto.			
<input checked="" type="checkbox"/> Defendant must submit specimens of blood or an oral or other biological sample, if not previously submitted, pursuant to K.S.A. 21-2511(c)			
<input checked="" type="checkbox"/> Defendant has been processed, fingerprinted and palmprinted. K.S.A. 21-2501(b).			
<input checked="" type="checkbox"/> Defendant's financial resources and burden imposed by BIDS application and attorney fees considered by the court pursuant to K.S.A. 22-4513 and State v. Robinson, 281 Kan. 338, 132 P.3d 934 (2006).			
<input checked="" type="checkbox"/> Defendant informed of duty to register as an offender pursuant to the Kansas Offender Registration Act, [K.S.A. 2011 Supp. 22-4905(b)(2)]			
OFFENDER REGISTRATION SUPPLEMENT INFORMATION:			
Section A: Registration Requirement: K.S.A. 2011 Supp. 22-4902(a)			
<input checked="" type="checkbox"/> Offender required by court order to register for an offense not otherwise required as provided by the Kansas Offender Registration Act.			
<u>35 and 31</u> Enter age of victim [K.S.A. 2011 Supp. 22-4904(a)(4)]			
<input checked="" type="checkbox"/> Offender required to register due to VIOLENT OFFENDER status (Indicated by conviction of any of the following crimes):			
<input checked="" type="checkbox"/> Any person felony with court finding on the record that such felony was committed with a DEADLY WEAPON (On or after July 1, 2006)			

Miscellaneous Provisions - Continued:

OFFENDER REGISTRATION SUPPLEMENT INFORMATION:
Section B: Registration Terms: K.S.A. 2011 Supp. 22-4906

Offender must register for **15 YEARS** after the date of parole, discharge or release, whichever date is most recent, or, if offender is not confined, **15 YEARS** from the date of conviction due to conviction of any of the following crimes.

Any conviction of a person felony with court finding on the record that such felony was committed with a **DEADLY WEAPON** - K.S.A. 2011 Supp. 22-4902(e)(2)

Additional Comments:

Count 2 is dismissed.

SECTION VII SIGNATURES

FAITH A. MAUGHAN
JUDGE OF THE DISTRICT COURT

DATE


ANDREA E. NELSON, #23674
Assistant District Attorney

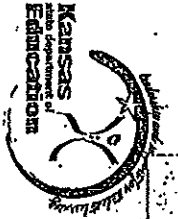
Address: Sedgwick County Courthouse
535 North Main
Wichita, Kansas 67203

Phone No.: (316) 660-3600

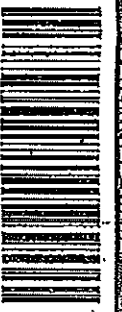
KLAUS DIETER MUELLER, #21680
Attorney For Defendant

Address: 604 N. Main, Suite D
Wichita, Kansas 67203

Phone No.: (316) 264-8700



Teacher Licensure and Accreditation
 Kansas State Department of Education
 Landon State Office Building
 900 SW Jackson St Ste 106
 Topeka, KS 66612-1212
 852 ED 150



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FIRST-CLASS MAIL
 11/25/2013
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 ZIP 66606
 01-1012503201



DO NOT BEND

Logan

Peter Wayne Henderson
 323 S Kater
 Derby, KS 67037

Good 11/25
FWD

REND323 670372019-1813 11/30/13
 NOTIFY SENDER OF NEW ADDRESS
 HENDERSON, PETER W
 323 S KATER AVE, LOT 230
 DERBY, KS 67037

REND323 670372018-1813 11/30/13
 NOTIFY SENDER OF NEW ADDRESS
 HENDERSON, PETER W
 511 E MERIDIAN AVE LOT 230
 NIXIE, KS 67227-3779

RETURN TO SENDER
 UNDELIVERED
 UNABLE TO FORWARD
 RETURN TO SENDER

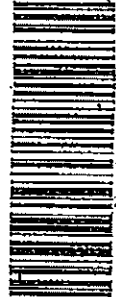
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Teacher Licensure and Accreditation
 Kansas State Department of Education
 Landon State Office Building
 900 SW Jackson St Ste 106
 Topeka KS 66612-1212
 652 ED 150

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Peter Wayne Henderson
 5111 S Meriden Ave. Lot 230
 Wichita, KS 67217-3379

