

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Professional License
of Lance Howard

15-PPC-03

FINAL ORDER

NOW, on this 15th day of July, 2015, the above-captioned matter comes for consideration by the Kansas State Board of Education (Board) upon the matter of the professional license of Lance Howard. Appearing for the Board are Chariman, Jim McNiece, and members, John Bacon, Kathy Busch, Carolyn Wims-Campbell, Sally Cauble, Deena Horst, Jim Porter, Steve Roberts, Janet Waugh, and Ken Willard.

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

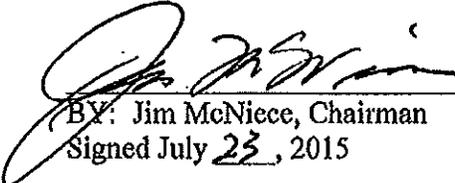
WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by Jessica Snider, member of the Commission, who was available to answer the Board's questions and being otherwise duly advised in the premises, the Board adopted the Commission's findings of fact and conclusions of law by a vote of 7 - 3.

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 Lance Howard's teaching license shall be revoked.

This Final Order is made and entered this 15th day of July, 2015.

Kansas State Board of Education


BY: Jim McNiece, Chairman
Signed July 23, 2015

NOTICE TO LICENSEE

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

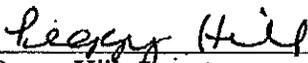
CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of July, 2015, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Lance Howard
512 Freeman Avenue
Oakley, Kansas 67748

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 Lance Howard

15-PPC-03

INITIAL ORDER

The above-captioned case comes on for hearing before the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) upon the complaint seeking revocation of Lance Howard's professional teaching license.

The hearing on this matter convened on June 15, 2015. Appearing for the Commission were chairperson, Calin Kendall, and members, Dorsey Burgess, Tavis Desormiers, Kimberly Groom, Bradley Nicks, Linda Steck, and Jessica Snider. Kelli Broers appeared as counsel for KSDE. Lance Howard did not appear.

FINDINGS OF FACT

1. Lance Howard was first licensed by the Kansas State Board of Education (State Board) in 1999. He obtained his initial teaching license in 2009 and has been continuously licensed since.
2. Mr. Howard engaged in misconduct while licensed as a teacher by engaging in lewd and lascivious behavior with a person under the age of 16 in violation of K.S.A. 21-5513(a)(2), a severity level 9 person felony.
3. Mr. Howard's misconduct led to a December 4, 2014, conviction in the District Court of Logan County, Kansas Case No. 2014-CR-08. He pled guilty to one felony count of Lewd and Lascivious behavior in violation of K.S.A. 21-5513(a)(2). He was sentenced on February 5, 2015, to an underlying prison sentence of seven months and granted probation for a term of 12 months. The terms of probation include but are not limited to: 1) No contact with the minor victim; 2) Registration as a Sex Offender; and 3) Obtaining a Sex Offender Assessment and follow all its recommendations.
4. As a result of his conviction, Mr. Howard is now a registered sex offender.
5. KSDE filed a Complaint pursuant to K.A.R. 91-22-5a on March 4, 2015. That Complaint was placed in the mail on March 4, 2015, by certified mail, return receipt requested, to the last known address of Mr. Howard. Mr. Howard signed for the Complaint.
6. Mr. Howard did not request a hearing, nor did he file an answer to KSDE's complaint.

CONCLUSIONS

1. Under Kansas law, 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.

2. It is within the authority of the State Board to adopt rules and regulations providing for the issuance, renewal, reinstatement and revocation of a license to teach.
3. By order of the State Board, the Professional Practices Commission shall investigate and conduct hearings pertaining to allegations of misconduct.
4. 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 including conviction of any crime involving a minor and commission of any act that injures the health or welfare of a minor through physical or sexual abuse or exploitation. K.A.R. 91-22-1a.
5. Additionally, the State Board is prohibited from issuing a license to or renewing the license of any person who has been convicted of:

“(3) a felony described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6419 through 21-6421, and amendments thereto, other than an act specified in subsection (a)...”

That prohibition is effective until at least five years post-conviction, in addition to other requirements. K.S.A. 72-1397(b) & (c).

6. Any license issued by the State Board may be canceled by the State Board in the manner provided by law, on the grounds of immorality or for any cause that would have justified the withholding thereof when the same was granted. K.S.A. 72-1383.
7. Mr. Howard's 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. Furthermore, Mr. Howard's conduct demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching and school administration professions.
8. Mr. Howard's conviction pursuant to K.S.A. 21-5513(a)(2) is grounds for revocation of his license pursuant to K.A.R. 91-22-1a and K.S.A. 72-1383.

THEREFORE the Professional Practices Commission concludes, by a vote of 7 - 0, subject to the State Board's review, that Mr. Howard's teaching license should be revoked.

This Initial Order is made and entered this June 16th, 2015.

PROFESSIONAL PRACTICES COMMISSION



Colin Kendall, Chairman

Order signed on June 16, 2015.

NOTICE TO APPLICANT

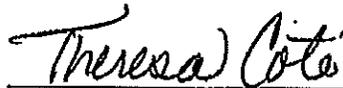
This Order of the Professional Practices Commission is not a Final Order and is required to be reviewed by the State Board in accordance with the provisions of the Kansas Administrative Procedure Act.

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. 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 22nd day of June, 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:

Lance Howard
512 Freeman Avenue
Oakley, Kansas 67748



Theresa Coté
Secretary, Professional Practices Commission