

**BEFORE THE KANSAS STATE BOARD OF EDUCATION**

In the Matter of  
the License of  
Allen Sylvester

22-PPC-12

**FINAL ORDER**

NOW, on this 13th day of September 2022, 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, Betty Arnold, Jean Clifford, Michelle Dombrosky, Melanie Haas, Deena Horst, Ben Jones, Jim McNiece, Ann Mah and Janet Waugh.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on July 20, 2022. Allen Sylvester did not appear. The Kansas State Department of Education appeared through its attorney, Scott Gordon. After reviewing the evidence, the Commission voted 7 – 0, to recommend the Board revoke the professional teaching license of Allen Sylvester.

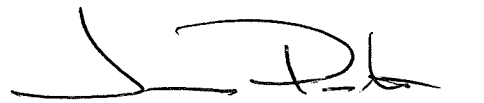
WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by Jennifer Holt, Commission Chair, who was available to answer the Board's questions and being otherwise duly advised in the premises, the Board adopted the Commission's findings of fact and conclusions 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 Allen Sylvester's professional teaching license is revoked.

This Final Order is made and entered this 13th day of September 2022.

Kansas State Board of Education



BY: Jim Porter, Chairman  
Signed September 10, 2022

**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 20<sup>th</sup> day of September 2022, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Allen Sylvester  
38913 Highway K-99  
Wamego, Kansas 66547

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  
Allen Sylvester

22-PPC-12

**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 Allen Sylvester's [Licensee] professional teaching license.

The hearing on this matter was held on July 20, 2022. The KSDE appeared by and through General Counsel, R. Scott Gordon. Licensee did not appear.

**FINDINGS OF FACT**

1. Licensee holds a professional teaching license by the Kansas State Board of Education. Licensee has been licensed since 1997.
2. Prior to May 31, 2022, Licensee had been employed as a teacher for the Wamego school district since 2011.
3. Starting in December of 2019, Licensee engaged in an inappropriate relationship with an underage child ("Victim") while the child was still a student in the school where Licensee was employed. Victim was a student of the Licensee through 2020 until she graduated in May, 2021.
4. During the 2019-2020 school year, Licensee and Victim's relationship evolved from sexual texting and flirting to sexual intercourse. This relationship continued through Victim's graduation.
5. In Kansas, it is against the law for a teacher to engage in sexual intercourse, lewd fondling or touching, or sodomy with a student enrolled in the school where the teacher is employed regardless of the student's age.
6. The Complaint was mailed to Applicant's last known address by standard and by certified mail. The certified mail receipt indicates it was delivered and signed for. Applicant did not submit either a request for hearing or an Answer.


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. The State Board may revoke a teaching license for misconduct or other just cause including the commission or omission 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(a).
3. The State Board may revoke a teaching license for engaging in any sexual activity with a student. K.A.R. 91-22-1a(a)(8).
4. Teaching and school administration are professions with all the similar rights, responsibilities and privileges accorded other legally recognized professions. K.S.A. 72-2308.
5. Applicant'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. Applicant's 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 to revoke his license.
6. 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 7-0, that the professional teaching license of the Licensee be revoked based on his sexual misconduct and failure to participate in the PPC proceedings.

This Initial Order is made and entered this August, 2022.

PROFESSIONAL PRACTICES COMMISSION

  
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Jennifer Holt, Chairwoman

Order signed on August 3, 2022.

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.

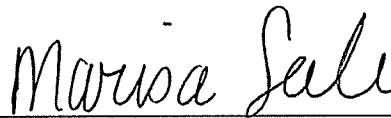
**CERTIFICATE OF SERVICE**

I hereby certify that on this 5<sup>th</sup> day of August, 2022, 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 to:

Allen Sylvester  
38913 Highway K-99  
Wamego, KS 66547

And via interoffice mail to:

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



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Marisa Seele  
Secretary, Professional Practices Commission