

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Application of
Kelsey Schwindt

KSDE No. 23-PPC-31

FINAL ORDER

NOW, on this 10th day of October 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 September 8, 2023. Kelsey Schwindt appeared not. The Kansas State Department of Education appeared through its attorney, R. Scott Gordon. After reviewing the evidence, the Commission voted **5 – 0**, to recommend the Board deny Kelsey Schwindt's application for an emergency substitute teaching license.

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 Kelsey Schwindt's application for an emergency substitute teaching license is denied.

This Final Order is made and entered this 10th day of October 2023.

Kansas State Board of Education



BY: Melanie Haas, Chairwoman
Signed October 11, 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.

Makayla Auldridge
Secretary, Kansas State Board of Education
Landon State Office Building
900 SW Jackson Ave. Suite 600N
Topeka, Kansas 66612

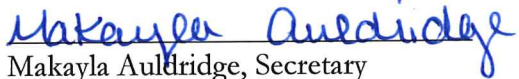
CERTIFICATE OF SERVICE

I hereby certify that on this 12 day of October 2023, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Kelsey Schwindt
P.O. Box 882
Liberal, Kansas 67905

And via interoffice mail to:

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


Makayla Auldridge, Secretary
Kansas State Board of Education

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

In the Matter of
the Application of
Kelsey Schwindt

PPC No. 23-PPC-31

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 (“KSDE”) seeking denial of Kelsey Schwindt’s [Applicant] application for an emergency substitute license.

The hearing on this matter was held on September 8, 2023. Appearing for the Commission were Acting Chairperson, Eric Filippi, and members, Carey Spaulding, Christy Ziegler, Leigh Anne Rogers and Ricardo Sanchez. The KSDE appeared by and through its General Counsel, R. Scott Gordon. Applicant did not appear.

FINDINGS OF FACT

1. Applicant applied for an Emergency Substitute Teaching License to be issued by the Kansas State Board of Education.
2. On September 11, 2017, Applicant entered into a diversion agreement after having been charged with felony Aggravated Intimidation of a Witness, felony Aggravated Assault, felony Interference with Law Enforcement, and misdemeanor child endangerment in Seward County District Court case 17-CR-228.
3. On July 19, 2023, KSDE filed a formal Complaint requesting the denial of Applicant’s application for an emergency substitute license.
4. 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

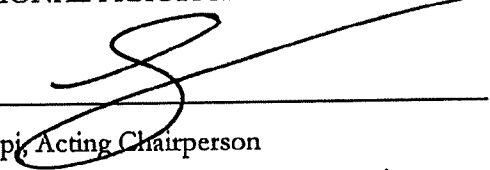
1. The Kansas State Board of Education (State Board) is responsible for the general supervision of Kansas education, including the certification and licensure of teachers. Kan. Const., Art. VI and K.S.A. 72-255.
2. One of the obvious goals of education is to “instill respect for the law.” Hainline v. 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. Licensee did not deny any allegations of the Complaint, nor did she provide any evidence of remorse, rehabilitation, or recognition of the wrongfulness of her actions.
5. The Kansas State Board of Education may deny the license of any teacher for misconduct or other just cause including entering a diversion agreement of any crime punishable as a felony and any crimes involving children. 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 5-0, that Applicant's application for an emergency substitute license is denied, based on entering into a diversion agreement after having been charged with felony Aggravated Intimidation of a Witness, felony Aggravated Assault, felony Interference with Law Enforcement, misdemeanor child endangerment and for failure to participate in the administrative proceedings.

This Initial Order is made and entered this Sept 8, 2023.

PROFESSIONAL PRACTICES COMMISSION


Eric Filippi, Acting Chairperson

Order signed on September 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.

Makayla Auldridge
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.

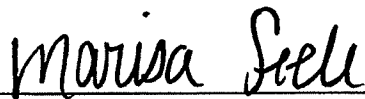
CERTIFICATE OF SERVICE

I hereby certify that on this 25 day of September, 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:

Kelsey Schwindt
P.O. Box 882
Liberal, Kansas 67905

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