

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Application of
Robert E. Allen

PPC No. 21-PPC-19

FINAL ORDER

NOW, on this 12th day of April 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 January 21, 2022. Robert E. Allen appeared in person. The Kansas State Department of Education appeared through its attorney, General Counsel, R. Scott Gordon. After reviewing the evidence, the Commission voted **7 – 0**, to recommend the Board grant the application of Robert Allens’s emergency substitute license.

WHEREUPON the Board reviewed each exhibit that was offered by the parties and admitted during the Commission’s January 21st hearing, a video recording of the January 21st hearing, and 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 makes the following findings:

FINDINGS OF FACT

1. On July 25, 1995, Applicant was adjudicated as a juvenile offender for felony aggravated battery in the Finney County District Court in Case No. 95JV51.
2. On July 7 1997, Applicant was adjudicated as a juvenile offender for misdemeanor theft and two counts of misdemeanor unlawful use of financial card in Case No. 97JV94.
3. On April 1, 2005, Applicant was placed on probation for five years for possession of marijuana while in possession of a firearm in the Circuit Court of Oktibbeha County, Mississippi in Case No. 2004-0207-CR.
4. On September 16, 2019, Applicant entered into a diversion agreement with the Garden City Municipal Court for misdemeanor possession of marijuana and misdemeanor drug paraphernalia. His diversion was completed November 9, 2020.
5. In support of his application, Applicant provided letters of reference. According to testimony provided during the January 21st hearing, the authors of those letters of reference were not fully made aware of the extent of the Applicant’s criminal history.

CONCLUSIONS OF LAW

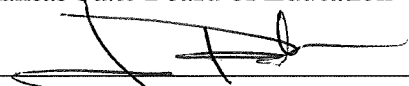
1. The Kansas State Board of Education (State Board) is responsible for the general supervision of Kansas education, including the certification and licensure of teachers. Kan. Const., Art. VI and K.S.A. 72-255.
2. The State Board may deny a license for misconduct or other just cause. K.A.R. 91-22-1a(a) The State Board may deny a licensee for conviction of any crime punishable as a felony. K.A.R. 91-22-1a(a)(1). The State Board may deny a license for conviction of any crime involving drugs. K.A.R. 91-22-1a(a)(4). The State Board may deny a license for conviction of any crime involving theft. K.A.R. 91-22-1a(a)(3).
3. Although the Commission accepted Applicant's explanations as to his criminal past, the State Board finds the pattern of behavior is inconsistent with expectations held by the State Board of its licensed teachers.
4. This case was originally set for review during the March 8, 2022 meeting of the Kansas State Board of Education. The Kansas State Board of Education continued the matter in order to review all materials submitted to the Professional Practices Commission and for Board members to have an opportunity to watch the Commission's evidentiary hearing. A recording of the PPC evidentiary hearing was made available for the Board prior to the deliberations on April 12, 2022.
5. The entire evidentiary packet provided to the Professional Practices Commission was provided to the Board for review prior to the Board meeting.
6. The Board expects applicants for licensure to be fully transparent and disclose all relevant factors with those who are requested to provide letters of reference for the applicant.
7. The Board felt like there was a significant pattern of prior criminal activity and unacceptable conduct over an extended period of time.

For all reasons stated above, the State Board voted **10-0** to not accept all findings and conclusions of the Commission and to deny Robert Allen's application for licensure.

IT IS THEREFORE CONCLUDED by the Kansas State Board of Education that Robert Allen's application for an emergency substitute license is denied.

This Final Order is made and entered this 12th day of April 2022.

Kansas State Board of Education



BY: Jim Porter, Chairman
Signed April 12, 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.

Makayla Auldridge
Acting 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 April 2022, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Robert Allen
2707 Chainey Street, Apt #3
Garden City, Kansas 67846

And via interoffice mail to:

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

Makayla Auldridge
Makayla Auldridge, Acting Secretary
Kansas State Board of Education

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

In the Matter of
the Application
of Robert Allen

21-PPC-19

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 Robert Allen's (Applicant) application for an Emergency Substitute Teaching License.

The hearing on this matter was held on January 21, 2022. Appearing for the Commission were chairperson, Jennifer Holt, Aaron Edwards, Eric Filippi, Carey Spaulding, Charrica Osborne, Christy Ziegler, and Jamie Wetig. The KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon. Applicant appeared on his own behalf.

FINDINGS OF FACT

1. Applicant applied for an Emergency Substitute Teaching License. He is not currently licensed.
2. On July 25, 1995, Applicant was adjudicated as a juvenile offender for felony aggravated battery in the Finney County District Court in Case No. 95JV51. On or about September 24, 1995, Applicant was convicted with felony burglary and conspiracy to commit burglary in Case No. 96CR117. On July 7 1997, Applicant was adjudicated as a juvenile offender for misdemeanor theft and two counts of misdemeanor unlawful use of financial card in Case No. 97JV94. On April 1, 2005, Applicant was placed on probation for five years for possession of marijuana while in possession of a firearm in the Circuit Court of Oktibbeha County, Mississippi in Case No. 2004-0207-CR. On March 24, 2009, Applicant completed probation. On September 16, 2019, Applicant entered into a diversion agreement with the Garden City Municipal Court for

misdemeanor possession of marijuana and misdemeanor drug paraphernalia. His diversion was completed November 9, 2020.

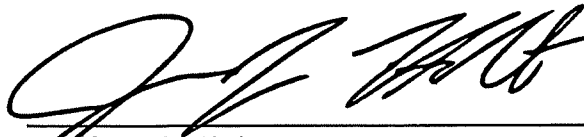
CONCLUSIONS OF LAW

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 deny a license for misconduct or other just cause. K.A.R. 91-22-1a(a) The State Board may deny a licensee for conviction of any crime punishable as a felony. K.A.R. 91-22-1a(a)(1). The State Board may deny a license for conviction of any crime involving drugs. K.A.R. 91-22-1a(a)(4). The State Board may deny a license for conviction of any crime involving theft. K.A.R. 91-22-1a(a)(3).
3. 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.
4. Applicant was not a licensed educator or employed in a position of public trust at the time of his offenses.
5. Applicant testified that in neither drug possession case was the marijuana his own. He testified that he has never been a user of illegal drugs.
6. The Commission feels the Applicant has clearly demonstrated a present recognition of the wrongfulness of his conduct, and finds that his past behavior has ceased to be a factor in his fitness for licensure.
7. Applicant provided letters of support from multiple sources. Although there was testimony introduced by KSDE that Applicant may not have shared his entire criminal history with everyone that wrote a letter on his behalf, the references that knew him the longest did not indicate any reason to not support his request to be licensed based on what they knew.

THEREFORE the Professional Practices Commission recommends to the State Board by a vote of 7 – 0 that the Applicant’s application for Emergency Substitute Teaching License is granted.

This Initial Order is made and entered this January 21, 2022.

PROFESSIONAL PRACTICES COMMISSION



Jennifer Holt, Chairperson
Order signed on _____ *February 9*, 2022.

NOTICE TO LICENSEE

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.

Peggy Hill
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 9th day of February, 2022, 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 emailed, to:

Robert Allen
reallen40@gmail.com

And via interoffice mail to:

R. Scott Gordon
General Counsel, KSDE
900 SW Jackson Street, Ste. 102
Topeka, Kansas 66612



Marisa Seele
Secretary, Professional Practices Commission