

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of the
Teaching License of
Kimberly Dinkel

Case No. 15-PPC-17

FINAL ORDER

NOW, on this 11th day of August, 2015, the above-captioned matter comes for consideration by the Kansas State Board of Education (Board) in the matter of Kimberly Dinkel's professional license. Appearing for the Board are Chairman, 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, the Kansas State Department of Education requested Ms. Dinkel appear before the Professional Practices Commission (Commission) due to her criminal conduct. Ms. Dinkel submitted supplemental materials but chose not to appear before the Commission. The Commission reviewed all the evidence including Ms. Dinkel's materials.

WHEREUPON the Board reviewed the Commission's Initial Order and all related materials and after considering the presentation by Linda Sieck, 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 Kimberly Dinkel's professional teaching license is revoked.

This Final Order is made and entered this 11th day of August, 2015.

Kansas State Board of Education



BY: Jim McNiece, Chairman

Signed August 28th, 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

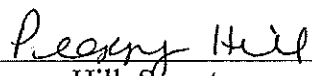
CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of August, 2015, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Kimberly Dinkel
1325 Golden Belt
Hays, Kansas 67601

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
Teaching License of
Kimberly Dinkel

Case No. 15-PPC-17

INITIAL ORDER

The above-captioned case comes on for hearing before the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) in the matter of Kimberly Dinkel's 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 Sieck, and Jessica Snider.

Kelli Broers appeared as counsel for KSDE.

Ms. Dinkel did not appear.

FINDINGS OF FACT

1. Kimberly Dinkel applied for Renewal of a Professional License in October 2014. She disclosed she had previously entered into a diversion agreement after having been charged with theft and had been convicted of theft. She provided supporting documentation.
2. Ms. Dinkel was arrested on April 8, 2006, for misdemeanor theft. According to the complaint filed by the city of Salina she was caught stealing four wrench sets, two spatulas, scissors, and two DVD's from a department store. Ms. Dinkel pleaded guilty and was placed on diversion. Mrs. Dinkel completed her division in May 2007 and the case was dismissed.
3. Ms. Dinkel was arrested on July 31, 2006, for shoplifting in Topeka, Kansas. She pleaded no contest, paid a fine, and, the case was closed.
4. Ms. Dinkel was arrested on July 3, 2012, for misdemeanor theft in Hays, Kansas. She pleaded no contest and paid a fine.
5. Based on Ms. Dinkel's disclosures and criminal history, a hearing before the Commission was held on November 17, 2014. She appeared in person and acknowledged the wrongfulness of her conduct. She also submitted a letter of support from Dean Katt, her school administrator, who was aware of Ms. Dinkel's troubles. The Commission found Ms. Dinkel had provided evidence of rehabilitation since the time of her offenses. It found she continued to seek counseling and had a wide web of support including her employer, co-workers, family, and professionals. The Commission, by a vote of 5 – 1, recommended Ms. Dinkel's license be renewed.

6. The State Board adopted the Commission's recommendation on December 9, 2014.
7. In February 2015, KSDE received a phone call from Dean Katt. He said Ms. Dinkel had been arrested for theft and she would no longer be employed by his school district via either her termination or resignation.
8. Ms. Dinkel was mailed a letter on March 19, 2015, wherein it stated that because of her February 3, 2015, shoplifting arrest in Hays, Kansas, it was requested that she appear before the Commission on April 27, 2015. The letter also stated her failure to appear for the hearing could result in a default judgment and suspension or revocation of her license.
9. In response to the March 19, 2015, letter, Ms. Dinkel's mental health provider submitted a letter regarding Ms. Dinkel's diagnosis.
10. In April 2014, Ms. Dinkel requested and was granted a continuance. A May 27, 2015, letter confirmed that her hearing was continued to June 15, 2015. Again, the letter stated her failure to appear for the hearing could result in a default judgment and suspension or revocation of her license.
11. On June 12, 2015, she submitted an e-mail to the Commission Secretary with a letter wherein she stated she would not attend the hearing, she acknowledged a pattern of behavior, and she stated that upon turning in her resignation she received cards of encouragement from students that made her "truly feel that they understand my situation."
12. At no time did Ms. Dinkel refute the allegations that she was arrested for shoplifting on February 3, 2015. At no time did Ms. Dinkel refute that she had shoplifted on February 3, 2015.
13. Additional evidence at the June 15, 2015, hearing included the offense report from the February 3, 2015, incident which listed the items stolen from Dillon's including, instant milk, five cans of cat food, two camp oven sauces, two cinnamon rolls, and a Maybelline product.

CONCLUSIONS OF LAW AND DISCUSSION

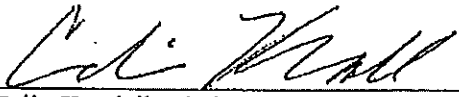
14. Any license issued by the State Board of Education may be canceled by the State Board in the manner provided by law, on the grounds of immorality, gross neglect of duty, annulling of written contracts with boards of education without the consent of the board which is a party to the contract, or for any cause that would have justified the withholding thereof when the same was granted. K.S.A. 72-1383.
15. Any license issued by the State Board may be revoked by the State Board for misconduct or other just cause. K.A.R. 91-22-1a.
16. Educators, as licensed professionals, are held to a higher standard. Educators are in a position of public trust and are role models not only for the students but for the community.
17. As a teacher in Hays, Kansas, Ms. Dinkel held a position of trust within the school community and was viewed as a role model for the students and the community.

18. Ms. Dinkel's ongoing pattern of misconduct is contrary to the behavior expected of a teacher. Ms. Dinkel's misconduct has rendered her unfit to teach, and as evidenced by her latest arrest, she is not sufficiently rehabilitated.

THEREFORE the Professional Practices Commission concludes and recommends, by a vote of 7 – 0 and subject to the State Board's review, that Ms. Dinkel's misconduct is grounds for revocation of her teaching license.

This Initial Order is made and entered this June 15, 2015.

PROFESSIONAL PRACTICES COMMISSION


Callin Kendall, Chairman
Order signed on July 10, 2015.

NOTICE TO LICENSEE

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 below within ten days after service of the Initial Order for transmittal to the State Board.

Theresa Coté
Secretary, Professional Practices Commission
Kansas State Department of Education
900 SW Jackson St.
Topeka, Kansas 66612-1182

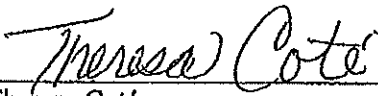
CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of July, 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:

Kimberly Dinkel
1325 Golden Belt
Hays, Kansas 67601

And via interoffice mail to:

Kelli M. Broers, Attorney
Kansas State Department of Education
900 S.W. Jackson Street
Topeka, Kansas 66612



Theresa Coté
Secretary, Professional Practices Commission