

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the License
of Kyle Miller

18-PPC-23

FINAL ORDER

NOW, on this 9th day of October 2018, 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, Kathy Busch, Sally Cauble, Deena Horst, Jim McNiece, Ann Mah, Steve Roberts, Janet Waugh, and Ken Willard.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on August 10, 2018. Kyle Miller appeared not. The Kansas State Department of Education appeared through its attorney, Scott Gordon. After reviewing the evidence, the Commission voted **7 - 0**, to recommend Kyle Miller's voluntary surrender of his license be accepted and his teaching license and any associated endorsements be revoked immediately.

WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by Linda Sieck, 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 **9 - 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 Kyle Miller's voluntary surrender of his license is accepted and his teaching license and any associated endorsements be revoked immediately.

This Final Order is made and entered this 9th day of October 2018.

Kansas State Board of Education


BY: Jim Porter, Chairman
Signed October 11, 2018

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.

Peggy Hill
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 16th day of October 2018, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Kyle Miller
1315 N. 9th Street
Independence, Kansas 67301

And via interoffice mail to:

R. Scott Gordon
Kansas State Department of Education
900 SW Jackson Street, Ste. 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 License of
Kyle Miller

18-PPC-23

INITIAL ORDER

The above-captioned case comes before the Professional Practices Commission (Commission) of the Kansas State Board of Education (State Board) upon Kyle Miller's submission of a voluntary surrender of his teaching license for revocation.

The hearing was held on August 10, 2018. Appearing for the Commission were chairperson, Linda Sieck, and members, Nathan Reed, Laura Batson, William Anderson, Eric Filippi, Jennifer Holt and Aaron Edwards. The KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon. Kyle Miller did not appear.

FINDINGS OF FACT

1. Kyle Miller holds a Kansas teaching license.
2. Miller voluntarily surrendered his teaching license for revocation as a consequence of his misconduct involving inappropriate supervision of students and inappropriate communication with a student via text messages.

CONCLUSIONS OF LAW

1. A member of the teaching or school administration profession may voluntarily surrender his license to the Commission. The Commission shall investigate the surrender and make a recommendation to the Kansas State Board of Education (State Board) for disposition of the license. K.A.R. 91-22-5a(e).
2. Under these circumstances, notice of the possible revocation of Miller's license and the opportunity for him to have a hearing are not required to revoke his license. See K.A.R. 91-22-1a(h) (Before a license is revoked for any act described in K.A.R. 91-22-1a(a), the person shall be given

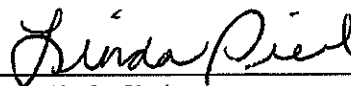
notice and an opportunity for a hearing).

3. Engaging in inappropriate communication with a student is grounds for revocation of a Kansas teaching license. K.A.R. 91-22-1a(a)(8).

THEREFORE the Professional Practices Commission recommends to the State Board by a vote of 7 – 0 that Kyle Miller's voluntary surrender of his license be accepted and his teaching license and any associated endorsements be revoked immediately.

This Initial Order is made and entered this August 10, 2018.

PROFESSIONAL PRACTICES COMMISSION



Linda Sieck, Chairperson

Order signed on Sept. 25, 2018.

NOTICE TO LICENSEE

This Order is not a final order. The Kansas State Board of Education must review the order 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, Kansas 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.

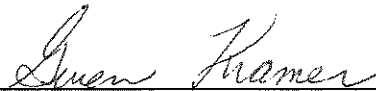
CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of September 2018, I filed a true and correct copy of the above and foregoing with the Secretary for the Kansas State Board of Education and I mailed one copy by certified mail, return receipt requested, to:

Kyle Miller
1315 N. 9th Street
Independence, Kansas 67301

and via interoffice mail to:

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



Gwen Kramer
Secretary, Professional Practices Commission