

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the License of
Keely Persinger

Case No: 19-PPC-05
OAH No. 19ED0015 ED

FINAL ORDER

NOW, on this 12th day of November 2019, the above-captioned matter comes for consideration by the Kansas State Board of Education (State Board). Appearing for the Board are Chairman, Kathy Busch, and members, Jean Clifford, Michelle Dombrosky, Deena Horst, Ben Jones, Jim McNiece, Ann Mah, Jim Porter, Steve Roberts, and Janet Waugh.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on October 7, 2019. Keely Persinger appears by and through counsel Lauren Laushman. The Kansas State Department of Education appeared through its attorney, Scott Gordon. After reviewing the evidence, the Commission voted **6-0**, to recommend the Board suspend Ms. Persinger's professional license until May 12, 2020.

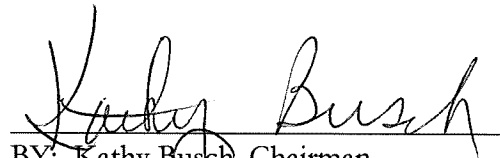
WHEREUPON the State Board reviewed the Commission's Initial Order and after considering the presentation by Linda Sieck, Commission Chair, who was available to answer the Board's questions and being otherwise duly advised in the premises, the Board adopted the Commission's findings of fact and conclusions of law by a vote of **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 Keely Persinger's professional license is suspended until May 12, 2020.

This Final Order is made and entered this 12th day of November 2019.

Kansas State Board of Education



BY: Kathy Busch, Chairman
Signed November 20, 2019

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

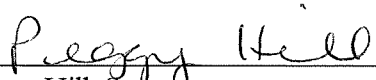
CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of November 2019, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Lauren E. Laushman
Fisher, Patterson, Saylor & Smith
3550 SW 5th Street
Topeka, KS 66606

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
Keely Persinger**

**Case No. 19-PPC-05
OAH No. 19ED0015 ED**

INITIAL ORDER

The above-captioned case is before the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) upon the Complaint filed by KSDE regarding the professional teaching license of Keely Persinger ("Ms. Persinger").

This matter convened on October 7, 2019, on stipulated Findings of Fact and Conclusions of Law. Appearing for the Commission were chairperson, Linda Seick and members, [to be listed]. The KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon. Ms. Persinger appears by and through counsel Lauren Laushman.

Findings of Fact

1. Ms. Persinger has applied for renewal of a professional teaching license. She has been licensed by the Kansas State Board of Education since 1994.
2. On April 24, 2018, Ms. Persinger was charged with one count of misdemeanor Failure to Report Suspected Abuse or Neglect of Children as described in K.S.A. 38-2223(a)(1)(C) & (e)(1) for failing to report suspected abuse of a student at the Emporia State University Center for Early Childhood Education.
3. On July 15, 2018, Ms. Persinger entered into a Diversion Agreement with the Lyon County Attorney's Office whereby she agreed to comply with certain terms of her diversion. Within that diversion agreement, Ms. Persinger agreed to the admission of accompanying reports

and tests without objection in any circumstance which called for the revocation of her diversion. Ms. Persinger successfully completed diversion on July 15, 2019.

4. For purposes of these proceedings only, both parties agree and stipulate that substantial, competent evidence exists to warrant a 6-month suspension of Ms. Persinger's license.

Conclusions of Law

1. Pursuant to K.S.A. 72-8501, the Legislature has declared teaching and school administration to be professions in Kansas with all the similar rights, responsibilities, and privileges accorded other legally recognized professions. An educator is in a position of public trust.

2. Any license issued by the Kansas State Board of Education ("State Board") may be suspended or revoked, or the license holder may be publicly censured by the State Board for misconduct or other just cause. K.A.R. 91-22-1a.

3. By order of the State Board, the Commission shall investigate and conduct hearings pertaining to allegations of misconduct.

4. The Commission finds that substantial, competent evidence supports a 6-month suspension of Ms. Persinger's license.

5. The Commission recommends the Kansas State Board of Education suspend Ms. Persinger's license until May 12, 2020.

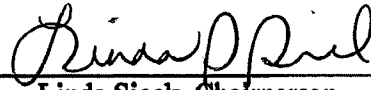
6. Ms. Persinger acknowledges and understands that the Commission can only make recommendations to the State Board.

7. Both KSDE and Ms. Persinger agree to not ask the Commission or the State Board for discipline other than that recommended in this Initial Order.

IT IS THEREFORE RECOMMENDED by the Professional Practices Commission to the Kansas State Board of Education that Keely Persinger's license be suspended as described above.

This Initial Order of the Professional Practices Commission 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.

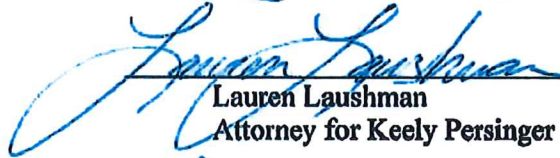
This Initial Order is made and entered this 7 day of October, 2019.



Linda Sieck, Chairperson
Professional Practices Commission

AGREED TO AND APPROVED BY:


Keely Persinger


Lauren Laushman
Attorney for Keely Persinger


R. Scott Gordon
General Counsel,
Kansas State Department of Education