

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Application of
Michele Cresci

PPC No. 21-PPC-22

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. Michele Cresci appeared not. 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 deny Michele Cresci's application for an emergency substitute 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 Michele Cresci'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
Secretary, Kansas State Board of Education
Landon State Office Building
900 SW Jackson Ave. Suite 600N
Topeka, Kansas 66612

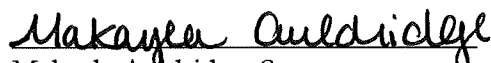
CERTIFICATE OF SERVICE

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:

Michele Cresci
406 N. Bismark Ave
Ellinwood, KS 67526

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
Michele Cresci

PPC No. 21-PPC-22

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 Michele Cresci’s [Applicant] application for an emergency substitute license.

The hearing on this matter was held on January 21, 2022. Appearing for the Commission were chairperson, Jennifer Holt, and members, 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 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 July 20, 2017, Applicant was convicted in Pawnee County District Court case 2017-CR-46 of the following:
 - a. Criminal Damage to Property, level 9 felony
 - b. Criminal Damage to Property over \$1,500, level 9 felony
3. On February 22, 2018, Applicant was convicted in Rush County District Court case 2017-CR-77 of the following:
 - a. Criminal Damage to Property, level 9 felony
4. On February 23, 2018, Applicant was convicted in Barton County District Court case 2017-CR-212 of the following:
 - a. Criminal Damage to Property, level 9 felony
5. On October 1, 2018, Applicant was convicted in Barton County District Court case 2017-CR-220 the following:
 - a. Criminal Damage to Property, level 9 felony

6. 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.

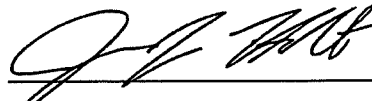
CONCLUSIONS OF LAW

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. The State Board may deny a license for misconduct or other just cause. The State Board may deny a licensee for conviction of any crime punishable as a felony K.A.R. 91-22-1a(a) and (a)(1).
3. K.S.A. 72-2165(b)(5) prohibits the Kansas State Board of Education from issuing a license to anyone convicted of any felony described in article 58 of chapter 21 of the Kansas Statutes Annotated for at least five years from the date of conviction. Here, Licensee has been convicted of five (5) felonies within the last five years, all of which are described in article 58 of chapter 21 of the Kansas Statutes Annotated.
4. 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.
5. Teaching and school administration are professions with all the similar rights, responsibilities and privileges accorded other legally recognized professions. K.S.A. 72-2308.
6. Applicant's conduct is inconsistent with the commonly-held perceptions and expectations of a member of the teaching profession. Such conduct violates the public trust and confidence placed in members of the profession. Applicant's conduct demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching and school administration professions and is sufficient and just cause to deny a license.
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 7-0, that Applicant's application for an emergency substitute license is denied, based on five felony convictions of criminal damage to property and for failure to participate in the administrative proceedings.

This Initial Order is made and entered this March, 2022.

PROFESSIONAL PRACTICES COMMISSION



Jennifer Holt, Chairperson

Order signed on _____ *March 3* _____, 2022.

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.

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.

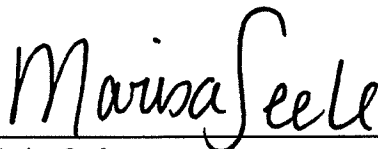
CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of March, 2022, 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:

Michele Cresci
406 N. Bismark Ave
Ellinwood, KS 67526

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