

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Application of
Karen Vondemkamp

16-PPC-27

FINAL ORDER

NOW, on this 10th day of January, 2017, 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, John Bacon, Kathy Busch, Sally Cauble, Deena Horst, Jim McNiece, Ann Mah, Steve Roberts, and Janet Waugh.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on November 18, 2016. Karen Vondemkamp failed to request a hearing or file an answer. She did not appear. The Kansas State Department of Education appeared by and through its attorney, Kelli M. Broers. After reviewing the evidence, the Commission voted 6 – 0 to recommend Ms. Vondemkamp's application for a substitute license be denied.


WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by Linda Sieck, Commission Chairman, 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 Karen Vondemkamp's application for a substitute license is denied.

This Final Order is made and entered this 10th day of January, 2017.

Kansas State Board of Education


BY: Jim Porter, Chairman
Signed January 11, 2017

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

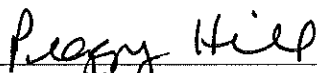
CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of January, 2017, 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:

Karen Vondenkamp
164 Scenic Circle
Council Grove, Kansas 66846

And via interoffice mail to:

Kelli Broers
Assistant General Counsel
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 Application of
Karen Vondenkamp

16-PPC-27

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 the complaint seeking denial of Karen Vondenkamp's application for a substitute license.

The hearing on this matter convened on November 18, 2016. Appearing for the Commission were chairperson, Linda Sieck, and members, Dorsey Burgess, Vici Jennings, John McKinney, Sylvia Ramirez, and Jessica Snider.

Kelli Broers appeared as counsel for KSDE.

Karen Vondenkamp did not appear.

FINDINGS OF FACT

1. Karen Vondenkamp, 164 Scenic Circle Council Grove, Kansas, 66846, applied for a substitute teaching license.
2. Ms. Vondenkamp was previously licensed in Kansas. However, the Kansas State Board of Education (State Board) revoked her license in May 2011.
3. The basis for the 2011 revocation was twofold. First, while licensed, she engaged in conduct that resulted in her entering a diversion agreement after having been charged with felony aggravated assault with a deadly weapon. Second, for conduct arising out of the same incident, she was convicted of two counts of misdemeanor battery and one count of misdemeanor criminal restraint. The victim of the battery and criminal restraint was a minor.

4. KSDE filed a Complaint pursuant to K.A.R. 91-22-5a on September 8, 2016. That Complaint was placed in the mail, by certified mail, return receipt requested, to Ms. Vondenkamp's last known address. She signed for the Complaint on September 12, 2016.

5. Ms. Vondenkamp did not request a hearing, nor did she file an answer to KSDE's complaint within the time provided.

CONCLUSIONS

1. Under Kansas law, teaching and school administration are considered to be professions with all the similar rights, responsibilities, and privileges accorded other legally recognized professions. An educator is in a position of public trust.

2. It is within the authority of the State Board to adopt rules and regulations providing for the denial of a license to teach.

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

4. Mailing notice to a party's last known address is a permissible form of service. A written certificate of service is sufficient to presume service. Furthermore, service by mail is complete upon mailing. See K.S.A. 77-531.

5. Under Kansas law, the Complaint in this matter was served upon Ms. Vondenkamp. She did not answer or request a hearing. Consequently, the facts alleged in the Complaint are deemed admitted.

6. Ms. Vondenkamp had the burden of demonstrating she was rehabilitated and her previous misconduct was no longer a factor in her fitness to teach. K.S.A. 72-1397 and K.A.R. 91-22-1a(g).

7. The State Board may deny a license application for misconduct or other just cause including but not limited to entry into a diversion agreement after having been charged with a felony and conviction of any crime involving a minor. K.A.R. 91-22-1a. Ms. Vondenkamp's actions are grounds for the denial of her application.

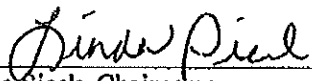
8. Ms. Vondenkamp's conduct is inconsistent with the commonly-held perceptions and expectations of a member of the teaching profession. Such conduct violates the public trust and confidence placed in members of the profession. Furthermore, her conduct demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching and school administration professions.

9. Ms. Vondenkamp's actions and her failure to prove rehabilitation are grounds for denial of her application pursuant to K.A.R. 91-22-1a.

THEREFORE the Professional Practices Commission recommends to the State Board, by a vote of 6 - 0, that Ms. Vondenkamp's application for a substitute teaching license be denied.

This Initial Order is made and entered this November 18, 2016.

PROFESSIONAL PRACTICES COMMISSION



Linda Sieck, Chairperson
Order signed on December 13, 2016.

NOTICE TO LICENSEE/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. The brief must be filed 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.

Any request for oral argument must also be made 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 13th day of December, 2016, 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:

Karen Vondenkamp
164 Scenic Circle
Council Grove, Kansas, 66846

And via interoffice mail to:

Kelli Broers
Kansas State Department of Education
900 SW Jackson Street, Suite 102
Topeka, Kansas 66612



Gwen Kramer
Secretary, Professional Practices Commission