

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Professional License
of Michael T. Byerly

14-PPC-50

FINAL ORDER

NOW, on this 17th day of April, 2015, the above-captioned matter comes for consideration by the Kansas State Board of Education (Board) upon the professional license of Michael T. Byerly.

WHEREUPON, a complaint was filed by the Kansas State Department of Education and Mr. Byerly had the opportunity to respond to the complaint. Mr. Byerly did not respond to the complaint. The complaint and supporting evidence were reviewed by the Professional Practices Commission (Commission).


WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by Calin Kendall, 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 Michael T. Byerly's teaching license and any endorsements shall be revoked immediately.

This Final Order is made and entered this 17th day of April, 2015.

Kansas State Board of Education


BY: Jim McNiece, Chairman
Signed June 10, 2015

NOTICE TO APPLICANT

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

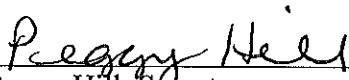
CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of June, 2015, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Michael T. Byerly
1912 Hunting Avenue, #7
Manhattan, Kansas 66502

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

In the Matter of
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of Michael T. Byerly

14-PPC-50

INITIAL ORDER

COMES NOW the Professional Practices Commission on this 27 day of February, 2015, and makes the following recommendations to the State Board of Education.

FINDINGS OF FACT

1. The Kansas State Department of Education filed a complaint pursuant to K.A.R. 91-22-5a on December 16, 2014, [Attached as Appendix I] requesting that Michael T. Byerly's teaching license be revoked. That same complaint was mailed by certified mail, return receipt requested, to Mr. Byerly's last known address on December 17, 2014. That address is the address of record with the Kansas State Department of Education and was the address used in the Texas proceedings referenced below. The package was returned as undeliverable. **Exhibit A.**
2. Michael T. Byerly is currently licensed by the Kansas State Board of Education.
3. Previously, Mr. Byerly was licensed as a teacher in the state of Texas. However, upon being sentenced to five years Deferred Adjudication for Online Harassment of his ex-wife, a third degree felony, Mr. Byerly voluntarily surrendered his Texas license. The order memorializing his surrender was final on May 13, 2014. **Exhibit 1 of the Complaint.**
4. Because Mr. Byerly did not maintain a current address with the Kansas State Department of Education and, therefore, did not receive the Complaint, he did not file a Request for a Hearing nor did he submit an Answer. However, the Commission has reviewed the Order of Surrender of Texas Educator Certificate (included in **Exhibit 1 of the Complaint**).

CONCLUSIONS

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. It is within the authority of the Kansas State Board of Education to adopt rules and regulations providing for the issuance, renewal, reinstatement and revocation of a license to teach.
3. By order of the Kansas State Board of Education, the Professional Practices Commission shall investigate and conduct hearings pertaining to allegations of misconduct.

4. Any license issued by the 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; including the commission of any crime punishable as a felony. K.A.R. 91-22-1a.
5. Any applicant for licensure whose license has been suspended, canceled, revoked, or surrendered in another state shall not be eligible for licensure in Kansas until the applicant is eligible for licensure in the state in which the suspension, cancellation, revocation, or surrender occurred. K.A.R. 91-22-1a(f).
6. If no answer to a Complaint is filed within 20 days, Applicant is deemed to have admitted the allegations contained in the Complaint and acquiesced in the proposed action. K.A.R. 91-22-9.
7. Mr. Byerly'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, Mr. Byerly'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 for revoking Applicant's license pursuant to K.A.R. 91-22-1a.
8. Additionally, Mr. Byerly's surrender of his Texas teaching license and the resulting revocation of that license are grounds for revocation of his Kansas license pursuant to K.A.R. 91-22-1a.

IT IS THEREFORE CONCLUDED by the Professional Practices Commission, by a vote of 8-0, subject to review by the State Board of Education, that Michael Brinkley's professional teaching license should be revoked.

This Initial Order is made and entered this February 27, 2015.

PROFESSIONAL PRACTICES COMMISSION



Calin Kendall, Chairman

Order signed on 2/27, 2015.

NOTICE TO APPLICANT

This Order of the Professional Practices Commission is not a Final Order and is required to be reviewed by the State Board of Education in accordance with the provisions of the Kansas Administrative Procedure Act.

You may submit to the State Board of Education 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 above within ten days after service of the Initial Order for transmittal to the State Board.

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of March, 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:

Michael T. Byerly
1912 Hunting Avenue, #7
Manhattan, Kansas 66502



Theresa Coté
Secretary, Professional Practices Commission

**BEFORE THE KANSAS STATE BOARD OF EDUCATION
PROFESSIONAL PRACTICES COMMISSION**

In the Matter of
the Professional License
of Michael T. Byerly

14-PPC-50

COMPLAINT

COMES NOW on this 16th day of December, 2014, Scott Myers, Director of Teacher Licensure and Accreditation, Kansas State Department of Education, 900 SW Jackson St., Topeka, Kansas 66612, and alleges the following:

1. Under Kansas law, 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. It is within the authority of the Kansas State Board of Education to adopt rules and regulations providing for the issuance, renewal, reinstatement and revocation of a license to teach.
3. Any license issued by the Kansas State Board of Education 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.
4. Any applicant for licensure whose license has been suspended, canceled, revoked, or surrendered in another state shall not be eligible for licensure in Kansas until the applicant is eligible for licensure in the state in which the suspension, cancellation, revocation, or surrender occurred. K.A.R. 91-22-1a(f).
5. By order of the Kansas State Board of Education, the Professional Practices Commission shall investigate and conduct hearings pertaining to allegations of misconduct.
6. Michael T. Byerly is currently licensed by the Kansas State Board of Education.
7. Previously, Mr. Byerly was licensed as a teacher in the state of Texas. However, upon being sentenced to five years Deferred Adjudication for Online Harassment of his ex-wife, a third degree felony, Mr. Byerly voluntarily surrendered his Texas license. The order memorializing his surrender was final on May 13, 2014. Exhibit 1.
8. Mr. Byerly'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, Mr. Byerly's conduct demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching and school administration professions.

9. Mr. Byerly's conduct and the surrender of his Texas teaching license are grounds for revocation of his Kansas license pursuant to K.A.R. 91-22-1a.
10. It is requested that Mr. Byerly's Kansas teaching license be revoked.

NOTICE

Pursuant to K.A.R. 91-22-1a(h) and K.S.A. 77-512, notice is hereby given of this Complaint and Request for Revocation of Licensee's professional teaching license.

RIGHT TO A HEARING

Applicant has a right to request a hearing on the above issues and request for denial in accordance with the provisions of the Kansas Administrative Procedures Act. To obtain a hearing, a written request for a hearing must be filed with the Secretary of the Professional Practices Commission within fifteen [15] days of the date of service of this notice at the following address:

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

Applicant has a right to file a written answer to this complaint. Applicant has twenty [20] days from the date of service of this notice. If no answer is filed within 20 days, Applicant will be deemed to have admitted the allegations contained in the complaint and acquiesced in the proposed action. An Initial Order will be entered recommending the revocation of your teaching license for the reasons stated in the Complaint and that notice of the revocation will be provided to all education agencies in the State of Kansas and to the agency responsible for issuing educator licenses/certificates in each of the other states.

Any answer shall type written or legibly printed, and any documents you intend to use in your defense must be attached. The answer must be signed and contain a statement under oath or affirmation that the statements made in the Answer are true. The Answer must be notarized and filed with the Secretary of the Professional Practices Commission by certified mail, return receipt requested, or by personal delivery to the address listed above.




Scott Myers
Director, Teacher Education and Licensure

VERIFICATION

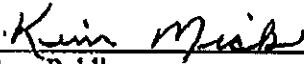
STATE OF KANSAS)
) SS:
COUNTY OF SHAWEE)

Scott Myers, of lawful age, being first duly sworn, on oath deposes and states: He is the Complainant in the above-captioned action; he has read the above and foregoing Complaint knows and understands the contents thereof, and the statements and allegations contained therein are true and correct, according to his knowledge, information, and belief.



Scott Myers
Director, Teacher Education and Licensure

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on this 16th day of December, 2014.



Notary Public

My appointment expires:



KIM MICK
Notary Public - State of Kansas
My App. Expires 7/29/16

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of December, 2014, a true and correct copy of the above and foregoing Complaint/Notice of hearing was filed with the Secretary for the Professional Practices Commission and one (1) copy was mailed by certified mail, return receipt requested, to:

Michael T. Byerly
1912 Hunting Avenue, #7
Manhattan, Kansas 66502



Cheryl Martin
Teacher Education and Licensure

51288404

04-23-2014

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IN THE MATTER
OF
MICHAEL BYERLY

BEFORE THE
STATE BOARD FOR EDUCATOR CERTIFICATION
STATE OF TEXAS

**ORDER OF SURRENDER
OF TEXAS EDUCATOR CERTIFICATE**

The Investigation Unit of the Texas Education Agency, Educator Certification and Standards Division, has received a report that MICHAEL BYERLY, herein referred to as Respondent, who currently possesses Texas Educator Certificate Number XXX-XX-0417, was sentenced to 3 years Deferred Adjudication for the charge of Child Abuse, and was ordered to forfeit his teaching certificate. To avoid the uncertainty and expense of litigation in this matter, Respondent agrees to the entry of this Order surrendering his Texas Educator Certificate.

The Board finds that there is satisfactory evidence of Respondent's conduct that it may take action pursuant to Title 19, Texas Administrative Code Section 249.15(b)(2), and accept this voluntary surrender.

Respondent, by his signature below, hereby voluntarily surrenders Texas Educator Certificate Number XXX-XX-0417, and that the surrender is permanent without opportunity for reapplication.

Michael Byerly
MICHAEL BYERLY Date: 4/23/14

Texas Educator Certificate Number XXX-XX-0417 and all its associated endorsements issued to MICHAEL BYERLY are hereby permanently SURRENDERED without opportunity for reapplication.

SIGNED this 23rd day of May, 2014.

[Signature]
Doug Phillips
Director of Investigations and Fingerprinting
Texas Education Agency

