

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Professional License
of Terry Couch

16-PPC-42

FINAL ORDER

NOW, on this 18th day of April 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, Sally Cauble, Deena Horst, Jim McNiece, Ann Mah, Steve Roberts, Janet Waugh, and Ken Willard. Board member Willard appeared by telephone.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on February 3, 2017. Terry Couch appeared not. The Kansas State Department of Education appeared through its attorney, Kelli M. Broers. After reviewing the evidence, the Commission voted 7 – 0 to recommend Couch's voluntary surrender of his license be accepted and his professional teaching license and any associated endorsements should be revoked.

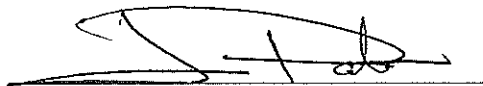
WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by Linda Sieck, Commission Chairman, who was available to answer the Board's questions and being otherwise duly advised in the premises, the Board adopted the Commission's findings of fact and conclusions of law by a vote of 8 – 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 Terry Couch's voluntary surrender of his license is accepted and his professional teaching license and any associated endorsements are revoked.

This Final Order is made and entered this 18th day of April 2017.

Kansas State Board of Education



BY: Jim Porter, Chairman
Signed April 22, 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

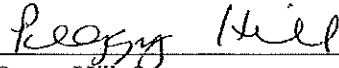
CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of April 2017, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Terry Couch, KDOC# 0115613
Larned Correctional Mental Health Facility
1318 KS Highway 264
Larned, Kansas 67550

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 Professional License
of Terry Couch

16-PPC-42

INITIAL ORDER

The above-captioned case comes before the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) upon Terry Couch's submission of a voluntary surrender of his professional teaching license.

The Commission reviewed this matter on February 3, 2017. Appearing for the Commission were Vice-Chairman Dorsey Burgess, and members Justin Henry, Vick Jennings, John McKinney, Sylvia Ramirez, Ginger Riddle, and Maret Schrader.

Kelli Broers appeared as counsel for KSDE.

Terry Couch did not appear.

FINDINGS OF FACT

1. Terry Couch holds a Kansas teaching license.
2. Couch voluntarily surrendered¹ his teaching license as a consequence of his misconduct and subsequent criminal conviction for Aggravated Indecent Solicitation of a Child in violation of K.S.A. 21-5508(b) in the District Court, Sedgwick County, Kansas, Case No. 2016 CR 525.
3. The basis for Couch's plea and conviction was his inappropriate conduct with a student under the age of 14. The conduct was sexual in nature.

¹ The voluntary surrender is attached.

CONCLUSIONS OF LAW

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. K.S.A. 72-8501. An educator is in a position of public trust.

2. The Kansas State Board of Education (State Board) is responsible for the general supervision of education, including the certification and licensure of teachers, in Kansas. K.S.A. 72-7513 and Kan. Const., Art. VI.

3. 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).


4. Under these circumstances, notice of the possible revocation of Couch'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(n), the person shall be given notice and an opportunity for a hearing).

5. After reviewing Couch's voluntary surrender, the Commission finds he is no longer fit to teach and is no longer suitable to be placed in a position of public trust as an educator.

THEREFORE the Professional Practices Commission recommends to the State Board, by a vote of 7 - 0, that Terry Couch's voluntary surrender of his license be accepted and his professional teaching license and any associated endorsements should be revoked.

This Initial Order is made and entered this February 3, 2017.

PROFESSIONAL PRACTICES COMMISSION



Dorsey Burgess, Vice-Chairman
Order signed on 2-24 - , 2017

NOTICE

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, 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 27th day of February 2017, 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 US mail to:

Terry Couch
3801 13th Street, Apt. 203
Wichita, Kansas 67203

and

Kurt Kerns
328 North Main Street
Wichita, Kansas 67202
Attorney for Respondent

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

BEFORE THE KANSAS STATE BOARD OF EDUCATION
PROFESSIONAL PRACTICES COMMISSION

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VOLUNTARY SURRENDER

I, Terry Couch, hereby acknowledge that in the District Court, Sedgewick County, Kansas, Case No. 2016 CR 525, I pleaded no contest to and was convicted of Aggravated Indecent Solicitation of a Child in violation of K.S.A. 21-5508(b). My plea and conviction are based on my inappropriate conduct with a student under the age of 14. The conduct was sexual in nature.

I now surrender my teaching license (No. 1684473993) and any associated endorsements to the Kansas State Board of Education (State Board) for revocation as a consequence of my misconduct and conviction in Case No. 2016 CR 525. I understand the Professional Practices Commission (Commission) and the State Board will review all relevant information in this case. I waive any right to a hearing I may have had in this matter. I waive any objection to or contestation of findings made by the Commission or the State Board related to this surrender, including any right to appeal the matter to district court.

I acknowledge and understand that notice of my license revocation will be provided to all Kansas local education agencies and to the agency responsible for issuing educator licenses/certificates in each of the other states.

Terry Couch
Signature

Terry Couch
(Printed or typed name)

3801 18th St. Apt. 203
(Street address)

Wichita 67203
(City) (Zip)

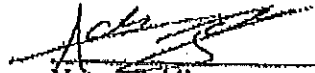
VERIFICATION

STATE OF Kansas
COUNTY OF Sedgwick

ss:

BE IT REMEMBERED that on this 6th day of January, 2017,
before me, the undersigned, a notary public in and for the county and state aforesaid, came
Terry Couch, who is personally known to me to be the same person who executed the within
instrument and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have set my hand and affixed my official seal the day and
year last above written.



Notary Public

My appointment expires:

April, 27, 2020

