

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Application of
Rocky Hinds

17-PPC-17

FINAL ORDER

NOW, on this 12th day of September 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, Kathy Busch, Sally Cauble, Deena Horst, Jim McNiece, Ann Mah, Steve Roberts, Janet Waugh, and Ken Willard.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on July 31, 2017. Rocky Hinds appeared not. The Kansas State Department of Education appeared through its attorney, Kelli M. Broers. After reviewing the evidence, the Commission voted 6 – 0, to recommend the Board deny Mr. Hinds’s application for an emergency substitute license.

WHEREUPON the Board reviewed the Commission’s Initial Order and after considering the presentation by Jessica Snider, Commission member, 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 Rocky Hinds’s application for an emergency substitute license is denied.

This Final Order is made and entered this 12th day of September 2017.

Kansas State Board of Education


BY: Jim Porter, Chairman
Signed October 6th, 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

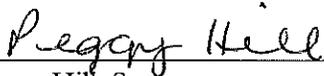
CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of October 2017, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Rocky Hinds
2839 North Bellwood St.
Wichita, Kansas 67205

And via interoffice mail to:

Kelli Broers
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 Application of
Rocky Hinds

17-PPC-17

INITIAL ORDER

The above-captioned case comes before the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) upon the application of Rocky Hinds for an emergency substitute license.

The matter convened on July 31, 2017. Appearing for the Commission were Vice Chairman Jessica Snider and members Laura Batson, Vici Jennings, John McKinney, Sylvia Ramirez, and Ginger Riddle.

Kelli Broers appeared as counsel for KSDE.

Rocky Hinds appeared not.

FINDINGS OF FACT

1. Rocky Hinds applied for an emergency substitute license on June 14, 2016. Shortly thereafter, Hinds was arrested on a drug-related charge. He ultimately was convicted of possession of marijuana and received six-months' probation. KSDE corresponded with Hinds and his attorney over the course of his probation.

2. On June 22, 2017, after contacting his attorney, KSDE mailed to Hinds a letter instructing him to appear on July 31, 2017, for a hearing before the Commission. KSDE mailed the letter to Hinds's last known address. The United States Postal Service left notification for Hinds on June 24, 2017, and June 29, 2017. The letter was returned as unclaimed to KSDE on July 9, 2017.

CONCLUSIONS OF LAW

1. In Kansas, teaching and school administration are considered professions with all the similar rights, responsibilities, and privileges accorded other legally recognized professions. K.S.A. 72-8501.

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. The Commission investigates and conduct hearings pertaining to allegations of misconduct. K.S.A. 72-8507; K.A.R. 91-22-1a *et seq.*

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. A party must request a hearing within 15 days of service of a complaint. K.S.A. 77-542.

6. A party has 20 days to file an Answer upon receipt of a complaint. If no answer is filed, the person is deemed to have admitted the allegations contained in the complaint and to have acquiesced in the proposed action. K.A.R. 91-22-9.

7. The State Board may deny the license of an individual convicted of committing any drug-related crime. K.A.R. 91-22-1a(a).

8. The Commission, after reviewing the evidence in this matter and considering the applicable law, believes denial of Hinds's application is appropriate. He is, however, able to reapply at any time and participate in a hearing on the merits of his case.

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

This Initial Order is made and entered this July 31, 2017.

PROFESSIONAL PRACTICES COMMISSION



Jessica Snider, Vice Chairman
Order signed on August 21, 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.

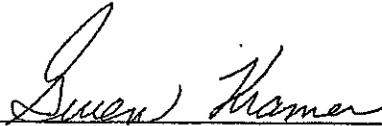
CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of August 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 certified mail, return receipt requested, to:

Rocky Hinds
2839 North Bellwood St.
Wichita, Kansas 67205

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