

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Application of
Jordan Schwartz

PPC No. 21-PPC-04

FINAL ORDER

NOW, on this 11th day of May 2021, 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 April 16, 2021. Jordan Schwartz appeared on his behalf. The Kansas State Department of Education appeared through its attorney, Scott Gordon. After reviewing the evidence, the Commission voted **7 - 0**, to recommend the Board grant the professional teaching license subject to public censure. Mr. Schwartz was informed that he has to provide written verification from his current employer, that he has informed her/him of his criminal misconduct and the proceeding before the Professional Practices Commission. Said written verification has since been provided by Mr. Schwartz' current employer to the Kansas State Department of Education.

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 Jordan Schwartz' professional teaching license is granted subject to public censure.

This Final Order is made and entered this 11th day of May, 2021.

Kansas State Board of Education



BY: Jim Porter, Chairman
Signed October 22, 2021

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

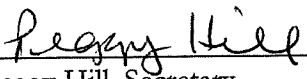
CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of October 2021, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Jordan Schwartz
2239 Wesley St.
Salina, KS 67401

And via interoffice mail to:

R. Scott Gordon
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
Jordan Schwartz

21-PPC-04

INITIAL ORDER

The above-captioned case comes on for hearing before the Professional Practices Commission (“Commission”) of the Kansas State Board of Education (“State Board”) upon application for a teaching license submitted by Jordan Schwartz (“Applicant”).

The hearing on this matter was held on April 16, 2021 via Zoom. Appearing for the Commission were chairperson, Jennifer Holt, and members, Aaron Edwards, Eric Fillipi, Kimberly Gilman, Nathan Reed, Stan Ruff, and Caroline Spaulding. The KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon. Applicant appeared on his own behalf.

FINDINGS OF FACT

1. Applicant applied for a teaching license.
2. In February, 2019, Applicant entered into a pretrial diversion agreement with the Salina Municipal Court after having been arrested for and charged with misdemeanor theft.
3. Applicant testified to having been caught stealing a video game from a local video game store.
4. Applicant successfully completed his term of diversion.
5. The offense occurred 2.5 years ago. Applicant was 29 years old at the time of the offense.
6. Applicant was licensed and working as a professional teacher at the time of his arrest.
7. Prior to the hearing, the Applicant had not disclosed either his criminal diversion case or the current licensure proceedings to his current employer.
8. Applicant testified that he was afraid to disclose either his criminal case or his current licensure case to his current employer for fear of losing his job.

9. Applicant appropriately disclosed his criminal diversion on his application.

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 such as a diversion for a crime involving theft.
3. 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.
4. Teaching and school administration are professions with all the similar rights, responsibilities and privileges accorded other legally recognized professions. K.S.A. 72-2308.
5. The Commission finds the Applicant's behavior has ceased to be a factor in his fitness for licensure. The Commission further finds the Applicant is suitable to be placed in a position of public trust as a teacher, and that a license does not offer an opportunity to engaged in conduct similar to the previous misconduct. However, the Commission is troubled that Applicant has not informed his current employer about the misconduct or these proceedings.
6. Applicant was informed that the Commission's recommendation to the State Board is contingent upon his current employer providing verification to the Kansas State Department of Education's General Counsel's that Applicant has informed her/him of both the criminal misconduct and this proceeding before the Commission.
7. Applicant's current employer has provided written verification by way of email that Applicant has so informed him as requested.

THEREFORE the Professional Practices Commission, by vote of 7-0, recommends the Kansas State Board of Education grant the application for a teaching license, subject to public censure.

This Initial Order is made and entered this _____ *April* _____, 2021.

PROFESSIONAL PRACTICES COMMISSION

A handwritten signature in black ink, appearing to read 'J. Holt', written over a horizontal line.

Jennifer Holt, Chairman

Order signed on _____ *April 27* _____, 2021.

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 28th day of April, 2021, 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:

Jordan Schwartz
2239 Wesley St.
Salina, KS 67401

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