

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Application of
Shari Herrs

19-PPC-41

FINAL ORDER

NOW, on this 10th day of December 2019, the above-captioned matter comes for consideration by the Kansas State Board of Education (Board). Appearing for the Board are Chairman, Kathy Busch, and members, Jean Clifford, Michelle Dombrosky, Deena Horst, Ben Jones, Jim McNiece, Ann Mah, Jim Porter, Steve Roberts, and Janet Waugh.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on October 7, 2019. Shari Herrs did not appear. The Kansas State Department of Education appeared through its attorney, Scott Gordon. After reviewing the evidence, the Commission voted **6 – 0**, to recommend the Board revoke the teaching license of Shari Herrs.

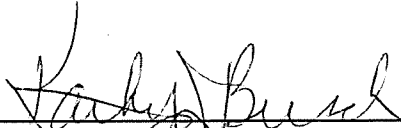
WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by Linda Sieck, Commission Chair, who was available to answer the Board's questions and being otherwise duly advised in the premises, the Board adopted the Commission's findings of fact and conclusions 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 that Shari Herrs' teaching license is revoked

This Final Order is made and entered this 10th day of December 2019.

Kansas State Board of Education


BY: Kathy Busch, Chairman
Signed December 18, 2019

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

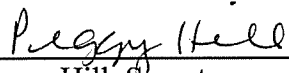
CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of December 2019, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Trevor Riddle
200 West Douglas, Suite 830
Olive W. Garvey Building
Wichita, Kansas 67202
Attorney for Respondent

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 License of
Shari Herrs

19-PPC-41

INITIAL ORDER

The above-captioned case comes on for hearing before the Professional Practices Commissioner (Commission) of the Kansas State Board of Education (State Board) upon Shari Herrs submission of a voluntary surrender of her teaching license for revocation.

The hearing on this matter was held on October 7, 2019. Appearing for the Commission were chairperson, Linda Sieck, and members, Jennifer Holt, Nathan Reed, Sylvia Ramirez, and Stan Ruff. The KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon. Shari Herrs did not appear.

FINDINGS OF FACT

1. Shari Herrs holds a professional teaching license issued by the Kansas State Board of Education.
2. Ms. Herrs voluntarily surrendered her teaching license for revocation as a consequence of inappropriate contact with a student. The contact resulted in criminal charges and an eventual conviction in Sedgwick County District Court Case #2018-CR-1527 of Attempted Unlawful Sexual Relations, in violation of K.S.A. 21-5301(a)(c)(1) & K.S.A. 21-5512(a)(9). The plea and conviction are based on texts exchanged with a student over the age of 16, which were sexual in nature, and physical contact of a sexual nature which was designed to lead to oral copulation by Ms. Herrs on the student.
3. Ms. Herrs' surrender was ordered as a condition of her criminal sentence, that she surrender her right for current licensure by the Kansas State Board of Education.
4. A copy of Ms. Herrs' surrender is attached to this Initial Order.

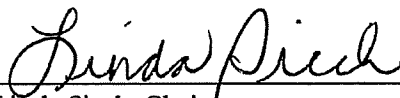
CONCLUSIONS OF LAW

1. A member of the teaching or school administration profession may voluntarily surrender her 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).
2. Under these circumstances, notice of the possible revocation of Ms. Herrs' license and the opportunity for her to have a hearing are not required to revoke her 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(a), the person shall be given notice and an opportunity for a hearing).

THEREFORE the Professional Practices Commission recommends to the State Board by a vote of 5 – 0 that Shari Herrs' voluntary surrender of her license be accepted and her teaching license and any associated endorsements be revoked immediately.

This Initial Order is made and entered this November 20, 2019.

PROFESSIONAL PRACTICES COMMISSION



Linda Sieck, Chairman
Order signed on November 20, 2019.

NOTICE TO LICENSEE

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.

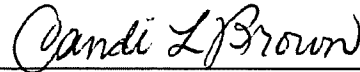
CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of November, 2019, 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:

Trevor Riddle
200 West Douglas, Suite 830
Olive W. Garvey Building
Wichita, Kansas 67202
Attorney for Respondent

And via interoffice mail to:

R. Scott Gordon
Kansas State Department of Education
900 SW Jackson Street, Suite 102
Topeka, Kansas 66612



Candi Brown
Secretary, Professional Practices Commission