

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the License of
Sarah Evans

PPC No. 21-PPC-12¹
OAH No. 21ED0010 ED

FINAL ORDER

NOW, on this 8th day of February 2022, 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 October 1, 2021. Sarah Evans appeared in person. 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 deny the application of Sarah Evans' substitute license.


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 that Sarah Evans' application for a substitute license is denied.

This Final Order is made and entered this 8th day of February 2022.

Kansas State Board of Education


BY: Jim Porter, Chairman
Signed February 23, 2022

¹ The PPC number on the initial order is 21-PPC-01, the actual PPC number is 21-PPC-12 as stated on the final order.

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

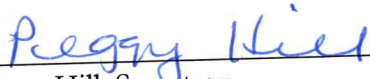
CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of February 2022, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Sarah Evans
P.O. Box 852
306 S. Chestnut
Howard, Kansas 67349

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 DEPARTMENT OF EDUCATION
PROFESIONAL PRACTICES COMMISSION

In the Matter of
the License of

Sarah Amanda Evans

OAH Case No.: 21ED0010 ED
KSDE Case No.: 21-PPC-01

INITIAL ORDER

Decision

Having heard the testimony of the witnesses, considered the evidence presented, reviewed the applicable statutes, regulations and policies, and otherwise being duly and fully informed in the premises of this matter, the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) on a vote of 7 to 0 recommends to the Kansas State Board of Education (State Board) that the Complaint filed by KSDE seeking to deny the application for a teaching license submitted by Sarah Amanda Evans (Evans) be affirmed.

Statement of Case

This matter comes on for hearing before the Commission upon the request for hearing made by Evans concerning a complaint filed by the KSDE on May 27, 2021 seeking denial of Evan's application for a teaching license.

The hearing was held on October 1, 2021. Appearing for the Commission were Chairperson, Jennifer Holt, and members Caroline Spaulding, Kimberly Gilman, Jamie Wetig, Darrin San Romani, Dr. Christy Ziegler, and Charrica Osborne.

Evans appeared in person without an attorney.

KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon.

Evidentiary Rulings

KSDE offered documents marked as Exhibits A through F and requested they be admitted as evidence. Evans had no objection. Exhibits A through F were admitted.

Evans offered documents identified as Exhibits 1 and 2 and requested they be admitted as evidence. KSDE had no objection. Exhibits 1 and 2 were admitted.

Findings of Fact

1. Evans formerly held a professional teaching license from 2000 until the license was revoked by the State Board by Final Order dated April 16, 2019. (Exhibit F)
2. On November 5, 2016 Evans was charged with driving under the influence of alcohol and/or drugs and Transporting an open container in Sedgwick County, Kansas. (Exhibit A)
3. On June 5, 2017 Evans pled guilty to and was subsequently convicted of driving under the influence of alcohol, a misdemeanor violation. The charge of transporting an open container was dismissed as part of the plea agreement, and the State agreed not to seek charges related to possession of hallucinogenic drug and possession of drug paraphernalia charges.
4. Evans testified she was guilty of driving under the influence of alcohol. Evans testified she had an open bottle of rum in her vehicle that was for a chili cook-off. Evans testified that the drug paraphernalia was found in the ditch and she was not sure where it came from.
5. On August 17, 2017 Evans underwent a urinalysis that resulted in a positive test for marijuana. (Exhibit C) Evans waived her right to a probation violation hearing, accepting a sanction of two (2) days in the Sedgwick County Detention Facility.
6. Evans testified that prior to the positive urinalysis on August 17, 2017 she had been around her boyfriend who smoked marijuana. Evans testified her boyfriend had smoked marijuana at her house but smoked outside.
7. On October 3, 2017 Evans was charged with driving without an ignition interlock device in Elk County, case number 17TR447. (Exhibit D) Based upon the charge in Elk County, Evans waived her right to a probation violation hearing on October 16, 2017, accepting a sanction of two (2) days in the Sedgwick County Detention Facility.
8. Evans testified that the charges in Elk County, case number 17TR447, had been dismissed.
9. On February 4, 2019 Elk County case number 17TR447 was dismissed per agreement of the parties. (Exhibit 2)
10. After receiving a recommendation from the Commission on March 1, 2019, on April 16, 2019 the State Board revoked Evans's teaching license. (Exhibit F)
11. Evans testified she is currently working for the City of Howard as the deputy City Clerk and is subject to regular drug testing. (Exhibit 1)

Conclusions of Law

1. The State Board is responsible for the general supervision of education, including the certification and licensure of teachers, in Kansas.¹

2. "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: "(4) conviction of any misdemeanor involving drug-related conduct."²

3. "(2) A person who has been denied a license or who has had a license revoked for conduct described in subsection (a) of this regulation shall not be eligible to apply for a license until at least five years have elapsed from the date of conviction of the offense or commission of the act or acts resulting in the denial or revocation or, in the case of a person who has entered into a criminal diversion agreement, until the person has satisfied the terms and conditions of the agreement."³

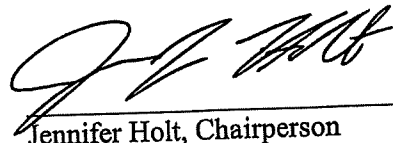
4. Evans acknowledged she was charged with and convicted of driving under the influence of alcohol in violation of K.S.A. 8-1567(a)(2). Evans explained the circumstances that led to her citation and the conviction and took responsibility for her actions, including taking responsibility for having her child in the car at the time of the criminal violation.

5. The Commission, in determining whether to recommend to the Board that an individual's application should be granted, is required to determine the extent of the applicant's efforts at rehabilitation as well as the fitness of the applicant to be a member of the teaching profession.⁴ The Commission has utilized these same principles in determining if a teacher's application for a license should be granted when that teacher's license was previously revoked.

6. As Evans was convicted on June 5, 2017, five (5) years has not elapsed since Evans's conviction. Therefore, the Commission concluded Evans is not eligible to apply for a teaching license until at least five (5) years have elapsed from the date of conviction.

7. On a vote of seven (7) in favor and zero (0) opposed, the Commission recommends to the State Board that the Complaint filed by KSDE seeking to deny the issuance of a teaching license to Evans be affirmed.

IT IS SO ORDERED.



Jennifer Holt, Chairperson
Professional Practices Commission

¹ Kan. Const., Art. VI and K.S.A. 72-255.

² K.A.R. 91-22-1a(a).

³ K.A.R. 91-22-1a(g).

⁴ *Wright v. State Bd. of Educ.*, 268 P.3d 1231 (Kan.App. 2012).

Notice

This Initial Order of the Professional Practices Commission 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.

You may submit to the Kansas State Board of Education for its consideration as a 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.

Marisa Seele
Secretary, Kansas State Board of Education
900 SW Jackson Street,
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 on the opposing party. Any response or reply briefs must also be filed with the State Board Secretary at the address indicated above.

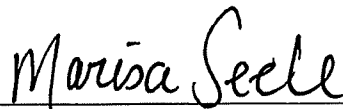
Certificate of Service

On December 16th, 2021, I certify that a copy of the foregoing was placed in the United States first class mail, postage prepaid, addressed to:

Sarah Amanda Evans
PO Box 852
306 S. Chestnut
Howard, KS 67349

and, I further certify that I caused a copy of the foregoing to be hand-delivered to:

R. Scott Gordon, Attorney
Kansas State Department of Education
900 SW Jackson, Ste. 102
Topeka, KS 66612
Tel: (785) 296-3204



Marisa Seele, Secretary
Professional Practices Commission
Kansas State Department of Education
900 SW Jackson Street
Topeka, KS 66612-1182