

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Professional License
of Charles D. Klea

14-PPC-47

FINAL ORDER

NOW, on this 17th day of April, 2015, the above-captioned matter comes for consideration by the Kansas State Board of Education (Board) upon the professional license of Charles D. Klea.

WHEREUPON, a complaint was filed by the Kansas State Department of Education and Mr. Klea had the opportunity to respond to the complaint. Mr. Klea did not respond to the complaint. The complaint and supporting evidence were reviewed by the Professional Practices Commission (Commission).

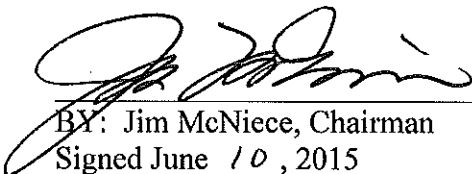
WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by Calin Kendall, Chairman of the Commission, who was available to answer the Board's questions and being otherwise duly advised in the premises, the Board adopted the Commission's findings of fact and 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 Charles Klea's teaching license and any endorsements shall be revoked immediately.

This Final Order is made and entered this 17th day of April, 2015.

Kansas State Board of Education


BY: Jim McNiece, Chairman
Signed June 10, 2015

NOTICE TO APPLICANT

You may request a reconsideration of the above Order. To do so, you must file a Petition for Reconsideration with the Secretary to the State Board of Education, at the address stated below, within 15 days after service of this Final Order. The Petition must state the specific grounds upon which relief is requested.

The filing of a Petition for Reconsideration is not a prerequisite for seeking judicial review.

Peggy Hill
Secretary, KSBE
Landon State Office Building
900 SW Jackson Ave. Suite 600N
Topeka, Kansas 66612

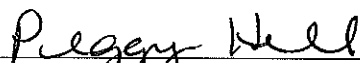
CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of June, 2015, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Charles D. Klea
1122 W. 56th Street
Indianapolis, Indiana 46228

And via interoffice mail to:

Kelli M. Broers
Attorney, Kansas State Department of Education
Landon State Office Building
900 SW Jackson Ave., Suite 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 Charles D. Klea

14-PPC-47

INITIAL ORDER

COMES NOW the Professional Practices Commission on this 26th day of February, 2015, and makes the following recommendations to the Kansas State Board of Education.

FINDINGS OF FACT

1. The Kansas State Department of Education filed a Complaint pursuant to K.A.R. 91-22-5a on December 5, 2014 [**Attached as Appendix I**]. That Complaint was placed in the mail by certified mail, return receipt requested, to the last known address of Charles Klea on December 5, 2014. It was postmarked December 8, 2014. The package was signed for on December 12, 2014. **Exhibit A**.
2. Mr. Klea is currently licensed by the Kansas State Board of Education.
3. Until November 11, 2013, Mr. Klea was also licensed as a teacher in the State of Oregon. On that date, the Oregon Teacher Standards and Practices Commission revoked Mr. Klea's teaching license. **Exhibit 1 of the Complaint**.
4. Mr. Klea's Oregon license was revoked based on a mutual agreement between Mr. Klea and the Oregon Teacher Standards and Practices Commission that their interests and the public interest were best served by a stipulation of certain facts and the revocation of Mr. Klea's license. Stipulated facts included his questioning of a student about her illegal sexual activity and drug use. **Exhibit 1 of the Complaint**.
5. Mr. Klea did not file a Request for a Hearing nor did he submit an Answer. The Complaint specifically advises the Licensee that "If no answer is filed within 20 days, Applicant will be deemed to have admitted the allegations contained in the complaint and acquiesced in the proposed action. An Initial Order will be entered recommending the revocation of your teaching license and all endorsements for the reasons stated in the Complaint and that notice of the revocation will be provided to all education agencies in the State of Kansas and to the agency responsible for issuing educator licenses/certificates in each of the other states."

CONCLUSIONS

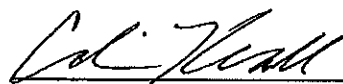
1. Pursuant to K.S.A. 72-8501, the Legislature has declared teaching and school administration to be professions in Kansas with all the similar rights, responsibilities and privileges accorded other legally recognized professions. An educator is in a position of public trust.

2. It is within the authority of the Kansas State Board of Education to adopt rules and regulations providing for the issuance, renewal, reinstatement and revocation of a license to teach.
3. 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 the commission of any crime punishable as a felony. K.A.R. 91-22-1a.
4. Any applicant for licensure whose license has been suspended, canceled, revoked, or surrendered in another state shall not be eligible for licensure in Kansas until the applicant is eligible for licensure in the state in which the suspension, cancellation, revocation, or surrender occurred. K.A.R. 91-22-1a(f).
5. If no answer to a Complaint is filed within 20 days, Applicant is deemed to have admitted the allegations contained in the Complaint and acquiesced in the proposed action. K.A.R. 91-22-9.
6. Mr. Klea's conduct is inconsistent with the commonly-held perceptions and expectations of a member of the teaching profession. Such conduct violates the public trust and confidence placed in members of the profession. Furthermore, Mr. Klea's conduct demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching and school administration professions and is sufficient and just cause for revoking Applicant's license pursuant to K.A.R. 91-22-1a.
7. Additionally, the revocation of Licensee's Oregon license is sufficient grounds to revoke his Kansas license pursuant to K.A.R. 91-22-1a(f).

IT IS THEREFORE CONCLUDED by the Professional Practices Commission, by a vote of 8-0, subject to review by the State Board of Education, that Charles Klea's professional teaching license should be revoked.

This Initial Order is made and entered this February 26, 2015.

PROFESSIONAL PRACTICES COMMISSION



Calin Kendall, Chairman

Order signed on 2/26, 2015.

NOTICE TO APPLICANT


This Order of the Professional Practices Commission is not a Final Order and is required to be reviewed by the State Board of Education in accordance with the provisions of the Kansas Administrative Procedure Act.

You may submit to the State Board of Education 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. The legal brief must be filed with the Secretary of the Professional Practices Commission at the address indicated above within ten days after service of the Initial Order for transmittal to the State Board.

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of March, 2015, 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:

Charles D. Klea
1122 W. 56th Street
Indianapolis, Indiana 46228



Theresa Coté
Secretary, Professional Practices Commission

**BEFORE THE KANSAS STATE BOARD OF EDUCATION
PROFESSIONAL PRACTICES COMMISSION**

In the Matter of
the Professional License
of Charles D. Klea

14-PPC-47

APPENDIX I

**BEFORE THE KANSAS STATE BOARD OF EDUCATION
PROFESSIONAL PRACTICES COMMISSION**

In the Matter of
the Professional License
of Charles D. Klea

14-PPC-47

COMPLAINT

COMES NOW on this 5th day of December, 2014, Scott Myers, Director of Teacher Licensure and Accreditation, Kansas State Department of Education, 900 SW Jackson St., Topeka, Kansas 66612, and alleges the following:

1. Under Kansas law, teaching and school administration to be professions in Kansas with all the similar rights, responsibilities and privileges accorded other legally recognized professions. An educator is in a position of public trust.
2. It is within the authority of the Kansas State Board of Education to adopt rules and regulations providing for the issuance, renewal, reinstatement and revocation of a license to teach.
3. Any license issued by the Kansas State Board of Education may be suspended or revoked, or the license holder may be publicly censured by the State Board for misconduct or other just cause. K.A.R. 91-22-1a.
4. Any applicant for licensure whose license has been suspended, canceled, revoked, or surrendered in another state shall not be eligible for licensure in Kansas until the applicant is eligible for licensure in the state in which the suspension, cancellation, revocation, or surrender occurred. K.A.R. 91-22-1a(f).
5. By order of the Kansas State Board of Education, the Professional Practices Commission shall investigate and conduct hearings pertaining to allegations of misconduct.
6. Charles D. Klea is currently licensed by the Kansas State Board of Education.
7. Until November 11, 2013, Mr. Klea was also licensed as a teacher in the State of Oregon. On that date, the Oregon Teacher Standards and Practices Commission revoked Mr. Klea's teaching license. (Exhibit 1).
8. Mr. Klea's Oregon license was revoked based on a mutual agreement between Mr. Klea and the Oregon Teacher Standards and Practices Commission that their interests and the public interest were best served by a stipulation of certain facts and the revocation of Mr. Klea's license. Stipulated facts included his questioning of a student about her illegal sexual activity and drug use. (Exhibit 1).
9. Mr. Klea's conduct is inconsistent with the commonly-held perceptions and expectations of a member of the teaching profession. Such conduct violates the public trust and confidence placed in members of the profession. Furthermore, Mr. Klea's conduct demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching and school administration professions.

10. Mr. Klea's conduct and the revocation of his Oregon teaching license are grounds for revocation of his Kansas license pursuant to K.A.R. 91-22-1a.
11. It is requested that Mr. Klea's license be revoked.

NOTICE

Pursuant to K.A.R. 91-22-1a(h) and K.S.A. 77-512, notice is hereby given of this Complaint and Request for Revocation of Licensee's professional teaching license.

RIGHT TO A HEARING

Applicant has a right to request a hearing on the above issues and request for denial in accordance with the provisions of the Kansas Administrative Procedures Act. To obtain a hearing, a written request for a hearing must be filed with the Secretary of the Professional Practices Commission within fifteen [15] days of the date of service of this notice at the following address:

Theresa Coté
Secretary, Professional Practices Commission
Kansas State Department of Education
900 SW Jackson St.
Topeka, Kansas 66612-1182

Applicant has a right to file a written answer to this complaint. Applicant has twenty [20] days from the date of service of this notice. If no answer is filed within 20 days, Applicant will be deemed to have admitted the allegations contained in the complaint and acquiesced in the proposed action. An Initial Order will be entered recommending the revocation of your teaching license for the reasons stated in the Complaint and that notice of the revocation will be provided to all education agencies in the State of Kansas and to the agency responsible for issuing educator licenses/certificates in each of the other states.

Any answer shall type written or legibly printed, and any documents you intend to use in your defense must be attached. The answer must be signed and contain a statement under oath or affirmation that the statements made in the Answer are true. The Answer must be notarized and filed with the Secretary of the Professional Practices Commission by certified mail, return receipt requested, or by personal delivery to the address listed above.

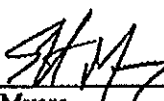


Scott Myers
Director, Teacher Education and Licensure

VERIFICATION

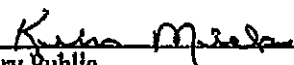
STATE OF KANSAS)
) SS:
COUNTY OF SHAWBEE)

Scott Myers, of lawful age, being first duly sworn, on oath deposes and states: He is the Complainant in the above-captioned action; he has read the above and foregoing Complaint knows and understands the contents thereof, and the statements and allegations contained therein are true and correct, according to his knowledge, information, and belief.



Scott Myers
Director, Teacher Education and Licensure

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on this 5th day of December, 2014.



Notary Public



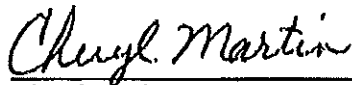
My appointment expires:

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of December, 2014, a true and correct copy of the above and foregoing Complaint/Notice of hearing was filed with the Secretary for the Professional Practices Commission and one (1) copy was mailed by certified mail, return receipt requested, to:

Charles D. Klea
P.O. Box 191
Moscow, Kansas 67952

Charles D. Klea
1122 W. 56th Street
Indianapolis, Indiana 46228



Cheryl Martin
Teacher Education and Licensure

1 **BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION**
 2 **OF THE STATE OF OREGON**

3 **In the Matter of the**) **STIPULATION OF FACTS**
 4 **Teaching License of**) **AND FINAL ORDER OF REVOCATION OF**
 5) **RIGHT TO APPLY**
 6 **CHARLES D. KLEA**)

7 On July 16, 2012, the Teacher Standards and Practices Commission (Commission)
 8 charged Charles D. Klea with Gross Neglect of Duty. Mr. Klea requested a hearing on July 25,
 9 2012.

10 After review of the matters alleged, Mr. Klea and the Commission agree that their
 11 respective interests, together with the public interest, are best served by a stipulation to
 12 certain facts and the revocation of Mr. Klea's Standard Teaching License. Mr. Klea
 13 denies the allegations, but stipulates that there is sufficient information contained in the
 14 Commission's files to support the stipulation of facts set forth below.

15 By signing below, Mr. Klea acknowledges, understands, stipulates, and agrees to the
 16 following: (i) he has been fully advised of his rights to notice and a hearing to contest the
 17 findings of fact, conclusions of law, and order set forth below, and fully and finally waives all
 18 such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final
 19 Order of Surrender and Revocation of Licensure (Stipulation and Final Order); (ii) this
 20 Stipulation and Final Order is a public document and disclosed to the public upon request by the
 21 Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval
 22 and adoption by the Commission. If the Commission does not approve and adopt this
 23 Stipulation and Final Order, then neither Mr. Klea nor the Commission are bound by the terms
 24 herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v)
 25 he voluntarily, without any force or duress, enters into this Stipulation and Final Order and
 26 consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no
 27 promises or representation has been made to induce him to sign this Stipulation and Final



1 Order; and (vi) he has consulted with an attorney regarding this Stipulation and Final Order
2 and has been fully advised with regard to his rights thereto, or waives any and all rights to
3 consult with an attorney prior to entering into this Stipulation and Final Order and issuance and
4 entry of the Stipulated Final Order below. This Order sets forth the facts upon which the parties
5 have agreed and the sanction to be imposed.

6 **STIPULATION OF FACTS**

- 7 1. The Commission has licensed Mr. Klea since August 31, 2007. Mr. Klea's most
8 recently held a Three-Year Career and technical License issued on March 26, 2008, with
9 endorsements in Agriculture, Science and Technology, and Manufacturing Technology.
10 This license expired on March 26, 2011. During all relevant times Mr. Klea was
11 employed by the Port Oxford-Langlois school district.
- 12 2. On or about January ¹¹⁻⁴⁻¹⁰ 7, 2010, Mr. Klea was told by the father of a female student that he
13 was okay with Mr. Klea taking his daughter's cell phone away if she used it during school
14 and he could "read it".
- 15 3. On or about January 12, 2010, Mr. Klea met with the female student during after school
16 shop and asked her questions about alleged illegal sexual activity that her father
17 disclosed to him.
- 18 4. On January 21, 2010, Mr. Klea took the female student's phone away from her during
19 class and read one of her text messages. Based on the content of that message, that same
20 day Mr. Klea called the student to his classroom and asked her questions about alleged
21 illegal drug use.

22 **IT IS SO STIPULATED:**

23 Charles D. Klea
24 Charles D. Klea

10/24/2013
Date

25 Victoria Chamberlain
26 Victoria Chamberlain, Executive Director
27 Teacher Standards and Practices Commission

11-1-13
Date

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CONCLUSION OF LAW

Charles Klea engaged in unprofessional conduct as described in paragraph 3 and 4 above. This conduct constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(1) (*Recognize the worth and dignity of all persons and respect for each individual*); OAR 584-020-0010(5) (*Use professional judgment*); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and conversations at all times*); and OAR 584-020-0035(1)(c)(A) (*Not demonstrating or expressing professionally inappropriate interest in a student's personal life*).

The Commission's authority to impose discipline in this matter is based upon ORS 342.175 through 342.190 and the Standards for Competent and Ethical Performance of Oregon Educators, OAR Chapter 584, Division 020.

ORDER

The Commission adopts and incorporates herein the above findings of fact, conclusions of law, and based thereon, hereby revokes Charles D. Klea's right to apply for a teaching license. IT IS SO ORDERED this 11th day of November, 2013.

TEACHER STANDARDS AND PRACTICES COMMISSION.

By: 
Victoria Chamberlain, Executive Director

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I served the foregoing Stipulation of Facts and Final Order of Revocation of Right to Apply, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail — Return Receipt Requested, addressed to:

Charles Douglas Klea
1122 W 56th ST
Indianapolis, IN 46228-1962

DATED this 3rd day of December, 2013.

By: *Patty Liddell*
Patty Liddell
Investigative Assistant

14-PRG-47



Teacher Licensure and Accreditation
Kansas State Department of Education
London
900 SW
Topeka, KS 66620

SENDER COMPLETE THIS SECTION

- 1. Complete Items 1, 2, and 3. Also complete Item 4 if Postnet Delivery is desired.
- 2. Print your name and address on the reverse so that we can return the card to you.
- 3. Attach this card to the back of the envelope, or on the front if space permits.
- 4. Article Addressed to:

Charles D. Klea
1122 W 56th Street
Indianapolis Indiana 46228

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
- B. Received by (Printed Name) Addressee
- C. *Charles Douglas* Yes No
- D. Is delivery address different from item 1? Yes No

- 3. Service Type Express Mail Registered Registered Delivery (Extra Fee) Registered Mail (Extra Fee)
- 4. Postnet Delivery (Extra Fee) Yes No

U.S. Postal Service
CERTIFIED MAIL
(Domestic Mail Only) No

OFFICIAL
2. Article Number
PS Form 3811, February 2004

Postage \$
Contract Fee
Return Receipt for
Registered Mail (Postage and Insurance Required)
Postnet Delivery (Extra Fee)
Postage and Fees \$

Charles D. Klea
1122 W 56th Street
Indianapolis Indiana 46228

2225 499R 9000 0747 2002



BERNARD J. WILLIAMS

5215

END

7002 2710 0004 3684 5222
Domestic Return Receipt

Charles Douglas
P O Box 191
Moscow, KS 67952

NIXTER 679523029-1W

REQUIRE TO SENDER
TABLES TO FORWARD
UNABLE TO FORWARD
RETURN TO SENDER

14-PRG-47

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only) No Insurance Coverage

OFFICIAL
Postage \$
Contract Fee
Return Receipt for
Registered Mail (Postage and Insurance Required)
Postnet Delivery (Extra Fee)
Postage and Fees \$

Charles Douglas
P O Box 191
Moscow, KS 67952

12/14/14

