

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the License of
Jane Maxwell

KSDE No. 23-PPC-14
OAH No. 23ED0010 ED

FINAL ORDER

NOW, on this 10th day of October 2023, the above-captioned matter comes for consideration by the Kansas State Board of Education (Board). Appearing for the Board are Chairwoman, Melanie Haas, and members, Betty Arnold, Dennis Hershberger, Michelle Dombrosky, Cathy Hopkins, Deena Horst, Jim McNiece, Ann Mah, Jim Porter and Danny Zeck.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on July 14, 2023. Jane Maxwell appeared in person. The Kansas State Department of Education appeared through its attorney, R. Scott Gordon. After reviewing the evidence, the Commission voted **8 – 0**, to recommend the Board deny Jane Maxwell's application for a substitute teaching 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 Jane Maxwell's application for a substitute teaching license is denied.

This Final Order is made and entered this 10th day of October 2023.

Kansas State Board of Education



BY: Melanie Haas, Chairwoman
Signed October 11, 2023

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.

Makayla Auldridge
Secretary, Kansas State Board of Education
Landon State Office Building
900 SW Jackson Ave. Suite 600N
Topeka, Kansas 66612

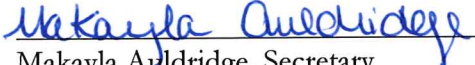
CERTIFICATE OF SERVICE

I hereby certify that on this 12 day of October 2023, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Jane Maxwell
436 N. Holmes Rd.
Salina, Kansas 67401

And via interoffice mail to:

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


Makayla Auldridge, Secretary
Kansas State Board of Education

BEFORE THE KANSAS STATE DEPARTMENT OF EDUCATION
PROFESIONAL PRACTICES COMMISSION

In the Matter of
the License of
Jane Maxwell

OAH Case No.: 23ED0010 ED
KSDE Case No.: 23-PPC-14

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 8 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 substitute teaching license submitted by Jane Maxwell (Maxwell) be affirmed.

Statement of Case

This matter comes on for hearing before the Commission upon the request for hearing made by Maxwell concerning a complaint filed by the KSDE on February 10, 2023, seeking denial of Maxwell's application for a substitute teaching license.

The hearing was held on July 14, 2023. Appearing for the Commission were Chairperson, Jennifer Holt, and members Jamie Wetig, Darrin San Romani, Eric Filippi, Dr. Christy Ziegler, Aaron Edwards, Caroline Spaulding, and Ricardo Sanchez.

Maxwell appeared in person without an attorney.

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

Loren F. Snell, Jr., Administrative Law Judge, was appointed and served as the Presiding Officer over the evidentiary hearing.

Evidentiary Rulings

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

Maxwell offered a document identified as Exhibit and requested it be admitted as evidence. KSDE had no objection. Exhibit 1 was admitted.

Findings of Fact

1. Maxwell was licensed by the State Board as a teacher from June 29, 1984 until October 22, 2022.
2. On December 19, 2018, in Salina Municipal Court, case number 2018CRM001701, Maxwell was charged with misdemeanor theft that occurred on November 20, 2018, while Maxwell was licensed by the State Board as a teacher. [Ex. D].
3. On or about January 4, 2019, Maxwell entered into a Diversion Agreement with the Salina Municipal Court Prosecutor's Office. [Ex. E].
4. On June 4, 2019, an Order of Dismissal was filed in Salina Municipal Court, dismissing case number 2018CRM001701 upon Maxwell's successful completion of the terms and conditions of the diversion agreement. [Ex. F].
5. On October 1, 2021, in Salina Municipal Court, case number 2021CRM000931, Maxwell was charged with misdemeanor theft that occurred on August 27, 2021, while Maxwell was licensed by the State Board as a teacher. [Ex. G]. It was alleged that Maxwell had switched price tags on items to get them for a lower price.
6. On October 12, 2021, Maxwell entered a plea of no contest to the charged offense. [Ex. H]. Maxwell was found guilty, ordered to pay a \$200 fine, plus probation fees and court costs, and sentenced to 60 days in jail. The jail sentence was suspended, and Maxwell was placed on probation for one (1) year.
7. Maxwell's teaching license expired.
8. Maxwell submitted an application to KSDE for a substitute teaching license. The exact date of the application is unknown to the PPC.
9. Maxwell acknowledged the conduct that led to her criminal charges, diversion and conviction. Maxwell testified about the circumstances, including her health and mental health conditions that she believed led to her judgement and led her to engage in the criminal activity.
10. Maxwell testified that her spiritual life is strong now and she has gotten better, getting the help she needed. Maxwell also testified that she meets with her pastor weekly.
11. When asked how she would avoid this conduct in the event of a future traumatic event in her life, Maxwell testified she would go to a hospital, seek help from her pastor/counselor, and trust her conscience to do the right thing.

Conclusions of Law

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

“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: “entry into a criminal diversion agreement after being charged with an offense or act described in this subsection.”²

“A license may be denied by the state board to any person who fails to meet the licensure requirements of the state board or for any act for which a license may be suspended or revoked pursuant to subsection (a).”³

Kansas regulation allows for denial, suspension or revocation of a teaching license if an individual has been convicted “of any misdemeanor involving theft.”⁴

“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 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.”⁵

The most recent criminal conviction imposed on Maxwell occurred on October 12, 2022. It has been less than five (5) years since the date of conviction. While this conviction did not result in the revocation or denial of Maxwell’s license, Maxwell’s license expired, the State Board has adhered to a policy that anyone seeking to apply for a license must wait the five (5) years set forth in the regulation for being allowed to apply for a teaching license.

The Commission concluded Maxwell was not eligible to receive a substitute teaching license.

On a vote of eight (8) 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 substitute teaching license to Maxwell be affirmed.

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

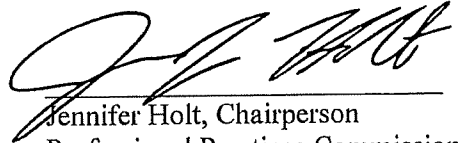
² K.A.R. 91-22-1a(a)(11).

³ K.A.R. 91-22-1a(b).

⁴ K.A.R. 91-22-1a(a)(3) and (b).

⁵ K.A.R. 91-22-1a(g)(2).

IT IS SO ORDERED.


Jennifer Holt, Chairperson
Professional Practices Commission

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 **fifteen (15) 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.

Barbara Hughes
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.

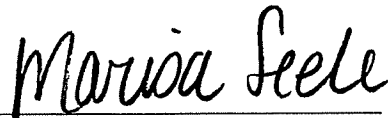
Certificate of Service

On August 29, 2023, I certify that a copy of the foregoing was placed in the United States first class mail, postage prepaid, addressed to:

Jane Maxwell
436 N. Holmes Rd.
Salina, KS 67401

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