

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the License of
Matthew Vander Linden

17-PPC-41

FINAL ORDER

NOW, on this 13th day of March 2018, 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, John Bacon, Kathy Busch, Sally Cauble, Deena Horst, Jim McNiece, Ann Mah, Steve Roberts, Janet Waugh, and Ken Willard.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on January 26, 2018. Matthew Vander Linden appeared not. The Kansas State Department of Education appeared through its attorney, Kelli M. Broers. After reviewing the evidence, the Commission voted 7 – 0, to recommend the Board revoke Mr. Vander Linden’s license and any associated endorsements due to his conduct and his criminal convictions.

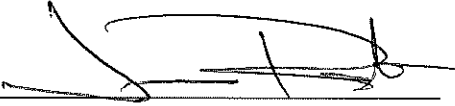
WHEREUPON the Board reviewed the Commission’s Initial Order and after considering the presentation by Jessica Snider, Commission Vice Chair, who was available to answer the Board’s questions and being otherwise duly advised in the premises, the Board adopted the Commission’s findings of fact and conclusions 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 Matthew Vander Linden’s license and any associated endorsements be revoked.

This Final Order is made and entered this 13th day of March 2018.

Kansas State Board of Education


BY: Jim Porter, Chairman
Signed March 14th, 2018

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 15th day of March 2018, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Matthew Vander Linden
1015 Wilson
Burlington, Kansas 66839

And via interoffice mail to:

Kelli Broers
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
Matthew Vander Linden

17-PPC-41

INITIAL ORDER

The above-captioned case comes before the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) to determine whether Matthew Vander Linden shall be subject to discipline up to and including revocation of his emergency substitute teaching license.

This matter convened on January 26, 2018. Appearing for the Commission were Chairman Linda Sieck and members Laura Batson, Vici Jennings, John McKinney, Nathan Reed, Maret Schrader, and Jessica Snider. Kelli Broers appeared as counsel for KSDE. Matthew Vander Linden appeared not.

FINDINGS OF FACT

1. Matthew Vander Linden, age 29, holds an emergency substitute teaching license. His last known address is 1015 Wilson, Burlington, Kansas 66839.
2. On December 14, 2017, Vander Linden entered a plea agreement and pleaded no contest to two counts of felony aggravated indecent liberties with a child in violation of K.S.A. 21-5506(b)(1), and two counts of felony criminal sodomy in violation of K.S.A. 21-5504(a)(3), in the District Court of Coffey County, Kansas, Case No. 2016 CR 220.
3. KSDE filed a complaint seeking revocation of Vander Linden's license. It was mailed to his last known address by certified mail, return receipt requested. It was delivered. Vander Linden did not file an answer and he did not request a hearing.

CONCLUSIONS OF LAW

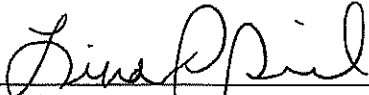
1. The Kansas State Board of Education (State Board) is responsible for the general supervision of Kansas education, including the certification and licensure of teachers. Kan. Const., Art. VI. and K.S.A. 72-255.

2. In Kansas, teaching and school administration are professions with all the similar rights, responsibilities, and privileges accorded other legally recognized professions. K.S.A. 72-2308. An educator is a role model. Hainline v. Bond, 250 Kan. 217, 224 (1992).
3. The Commission investigates and conduct hearings pertaining to allegations of educator misconduct. K.S.A. 72-2314; K.A.R. 91-22-1a *et seq.*
4. Mailing notice to a party's last known address is a permissible form of service. A written certificate of service is sufficient to presume service. Furthermore, service by mail is complete upon mailing. See K.S.A. 77-531.
5. A party must request a hearing within 15 days of service of a complaint. K.S.A. 77-542.
6. A party has 20 days to file an answer upon receipt of a complaint. If no answer is filed, the person is deemed to have admitted the allegations contained in the complaint and to have acquiesced in the proposed action. K.A.R. 91-22-9.
7. The State Board may revoke a license for misconduct or other just cause. K.A.R. 91-22-1a(a). Additionally, the State Board may revoke a teaching license if an individual has been convicted of a felony or any crime involving a minor. K.A.R. 91-22-1a(a)(1)&(2).
8. The State Board may be cancel, *i.e.*, revoke, a teaching license on the grounds of immorality. K.S.A. 72-2155; Hainline v. Bond, 250 Kan. 217 (1992). One of the obvious goals of education is to "instill respect for the law." Hainline at 224.
9. The Commission, after reviewing the evidence in this matter and considering the applicable law, believes revocation of Vander Linden's license is necessary.

THEREFORE the Professional Practices Commission recommends to the State Board, by a vote of 7 - 0, that it revoke Vander Linden's emergency substitute license because of his conduct and criminal convictions.

This Initial Order is made and entered this January 26, 2018.

PROFESSIONAL PRACTICES COMMISSION



Linda Sieck, Chairman
Order signed on February 1, 2018

NOTICE

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, 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 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 2nd day of February 2018, I filed a true and correct copy of the above and foregoing with the Secretary for the Kansas State Board of Education and I mailed one copy by certified mail, return receipt requested, to:

Matthew Vander Linden
1015 Wilson
Burlington, Kansas 66839

and via interoffice mail to:

Kelli Broers
Kansas State Department of Education
900 SW Jackson Street, Suite 102
Topeka, Kansas 66612



Gwen Kramer
Secretary, Professional Practices Commission