

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the License of
Sheryl Servatius-Brown

Case No. 19-PPC-29
OAH No. 20-ED-02

FINAL ORDER

NOW, on this 12th day of May 2020, 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 April 17, 2020. The Kansas State Department of Education appeared by and through General Counsel, R. Scott Gordon. The licensee appeared by and through counsel Thomas Lemon. After reviewing the evidence, the Commission recommended suspension of Sheryl Servatius-Brown's professional license until April 26, 2021 or until the completion of her diversion.

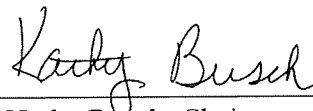
WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by Linda Sieck, Commission Chair, who was available to answer the Board's questions and being otherwise duly advised in the premises, the Board adopted the Commission's findings of fact and conclusions 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 Sheryl Servatius-Brown's professional license is suspended until April 26, 2021 or until the completion of her diversion.

This Final Order is made and entered this 12th day of May 2020.

Kansas State Board of Education



BY: Kathy Busch, Chairwoman
Signed May **19**, 2020

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 20th day of May 2020, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Thomas G. Lemon,
2942A. S.W. Wanamaker Drive
Suite 100
Topeka, KS 66614-4479

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
Licensee

19-PPC-29
20-ED-02

**Initial Order based upon
Stipulated Findings of Fact and
Conclusions of Law**

The above-captioned case is before the Professional Practices Commission ("Commission") of the Kansas State Board of Education ("State Board") upon the Complaint filed by the Kansas State Department of Education ("KSDE") regarding the professional teaching license of Sheryl Servatius-Brown ("Licensee").

This matter convenes on April 17, 2020 on stipulated Findings of Fact and Conclusions of Law. Appearing for the Commission were Chairwoman Linda Seick and a quorum of members. The KSDE appears by and through its attorney R. Scott Gordon. The Licensee appears by and through counsel Thomas Lemon.

Findings of Fact

1. Licensee has been licensed by the Kansas State Board of Education since 1979.
2. On the 5th day of September, 2018, Licensee was charged with one count of Computer Unlawful Acts; Exceed authorization with damage < \$100,000 under KSA 21-5839(a)(3) & (b)(1).
3. On April 26, 2019, Licensee entered into a Diversion Agreement with the Franklin County Attorney's Office whereby she agreed to comply with certain terms of her diversion. Within that diversion agreement, Licensee stipulated to committing the crime of Unlawful Acts Concerning Computers against her previous employer, U.S.D. 290. Licensee is currently on diversion until April 26, 2021.
4. For purposes of these proceedings only, both parties agree and stipulate that substantial, competent evidence exists which warrants suspension of Licensee's license.

Conclusions of Law

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. The State Board may revoke a license for misconduct or other just cause including entering into a criminal diversion agreement after being charged with any offense involving a felony. K.A.R. 91-22-1a(a)(1) and (11).
3. By order of the State Board, the Commission shall investigate and conduct hearings pertaining to allegations of misconduct.
4. The Commission finds that substantial, competent evidence supports the suspension of

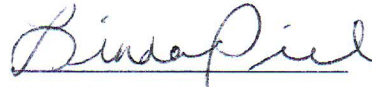
Licensee's professional teaching license and any endorsement which may be attached to it until the later of April 26, 2021 or the completion of her diversion.

5. The Commission recommends to the State Board it suspend Licensee's license as described in #4.
6. The Licensee acknowledges and understands the Commission can only make recommendations to the State Board.
7. Both KSDE and the Licensee agree to not present any evidence or information other than as stipulated to by the parties, nor will either party ask the Commission or the State Board for discipline other than that recommended in this Initial Order.

IT IS THEREFORE RECOMMENDED by the Professional Practices Commission to the Kansas State Board of Education that Licensee _____'s license be suspended as described within this Initial Order.

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.


This Initial Order is made and entered into this 17th day of April, 2020.



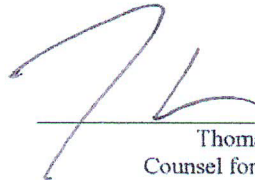
Linda Sieck, Chairwoman

Professional Practices Commission

AGREED TO AND APPROVED BY:



Sheryl Servatius-Brown
Licensee



Thomas Lemon
Counsel for Licensee



R. Scott Gordon
Kansas State Department of Education