

**BEFORE THE KANSAS STATE BOARD OF EDUCATION**

In the Matter of  
the Application of  
Kimberly Aleman

19-PPC-18

**FINAL ORDER**

NOW, on this 9th day of July 2019, 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 June 14, 2019. Kimberly Aleman appeared not. The Kansas State Department of Education appeared by and through its attorney, General Counsel, R. Scott Gordon. After reviewing the evidence, the Commission voted **7 – 0**, to recommend the Board deny the application of Kimberly Aleman’s Emergency Substitute Teaching License.


WHEREUPON the Board reviewed the Commission’s Initial Order and after considering the presentation by Nathan Reed, 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 Kimberly Aleman’s application for an Emergency Substitute Teaching License be denied.

This Final Order is made and entered this 9th day of July 2019.

Kansas State Board of Education

  
BY: Kathy Busch, Chairman  
Signed July 17, 2019

**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

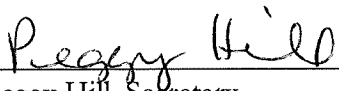
**CERTIFICATE OF SERVICE**

I hereby certify that on this 19<sup>th</sup> day of July 2019, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Kimberly D. Aleman  
13720 Colorado Lane  
Victorville, CA 92394

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 Application of  
Kimberly Aleman

19-PPC-18

**INITIAL ORDER**

The above-captioned case comes on for hearing before the Professional Practices Commissioner (Commission) of the Kansas State Board of Education (State Board) upon the application of Kimberly Aleman's for an Emergency Substitute Teaching License.

The hearing on this matter was held on June 14, 2019. Appearing for the Commission were acting chairperson, Nathan Reed, and members, William Anderson, Aaron Edwards, Jennifer Holt, Sylvia Ramirez, Stan Ruff, and Eric Filippi. The KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon. Kimberly Aleman did not appear.

**FINDINGS OF FACT**

1. Kimberly Aleman applied for an Emergency Substitute Teaching License.
2. On Ms. Aleman's application she disclosed a previous conviction for a crime involving theft, drugs, or a child. With her application she provided court documents indicating she'd been placed on probation and convicted of misdemeanor theft by an employee, agent or servant on July 16, 2014.
3. According to the police records for her underlying criminal case, Ms. Aleman used the identity of another person to create a credit card without that person's permission. Ms. Aleman then refunded approximately \$3,800.00 in merchandise from her employer to obtain credit on said credit card.
4. Per California state law, even though the no-contest plea was set aside after successfully completing her probation, Ms. Aleman was required to disclose the conviction in response to

any direct question in any questionnaire or application for public office, for licenser by any State or local agency, or contracting with the California Lottery. For State Board purposes, this is considered a conviction.

5. The Kansas State Department of Education mailed a letter to Ms. Aleman at her last known address (in California) asking her to participate in the Professional Practices Commission's hearing. That letter did not bounce back to the Department or otherwise show it was not received.

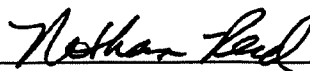
### CONCLUSIONS OF LAW

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. The State Board may deny a license for misconduct or other just cause including convictions for any crime involving theft. K.A.R. 91-22-1a(a)(3).
3. The State Board may deny a license for failure to participate in the Professional Practices Commission
4. One of the obvious goals of education is to "instill respect for the law." Hainline v. Bond, 250 Kan. 217 (1992). An educator is a role model. Hainline at 224.
5. Teaching and school administration are professions with all the similar rights, responsibilities and privileges accorded other legally recognized professions. K.S.A. 72-2308.
6. Ms. Aleman'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. Ms. Aleman'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 to deny his application for license.

THEREFORE the Professional Practices Commission, by vote of 7-0, recommends the Kansas State Board of Education deny the application of Kimberly Aleman for an Emergency Substitute Teaching License based on the criminal conviction for theft and for not participating in the Professional Practices Commission process as requested.

This Initial Order is made and entered this June 14, 2019.

PROFESSIONAL PRACTICES COMMISSION

  
\_\_\_\_\_  
Nathan Reed, Acting Chairman  
Order signed on June 26, 2019.

**NOTICE TO APPLICANT**

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, KS 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 26<sup>th</sup> day of June, 2019, 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:

Kimberly D. Aleman  
13720 Colorado Lane  
Victorville, CA 92394

And via interoffice mail to:

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

  
\_\_\_\_\_  
Gwen Kramer  
Secretary, Professional Practices Commission