

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Application
Jessica Atkinson

18-PPC-50

FINAL ORDER

NOW, on this 12th day of February 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 November 30, 2018. Jessica Atkinson appeared in person. The Kansas State Department of Education appeared through its attorney, R. Scott Gordon. After reviewing the evidence, the Commission voted **6 – 0**, to recommend the Board deny Jessica Atkinson's application for an emergency substitute teaching license.


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 Jessica Atkinson's application for an emergency substitute teaching license be denied.

This Final Order is made and entered this 12th day of February 2019.

Kansas State Board of Education


BY: Kathy Busch, Chairman
Signed February 12 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 12th day of February 2019, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Jessica Atkinson
607 W. 8th
Hutchinson, Kansas 67501

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
Jessica Atkinson

18-PPC-50

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 Jessica Atkinson's application for an Emergency Substitute Teaching License.

The hearing on this matter was held on November 30, 2018. Appearing for the Commission were chairperson, Linda Sieck, and members, Aaron Edwards, Bill Anderson, Jennifer Holt, Maret Schrader and Sylvia Ramirez. R. Scott Gordon appeared as counsel for KSDE. Ms. Atkinson appeared and testified on his own behalf.

FINDINGS OF FACT

1. Jessica Atkinson applied for an Emergency Substitute Teaching License. She is not currently licensed.
2. On November 19, 2003, Atkinson pleaded guilty to one count misdemeanor Disorderly Conduct, in violation of K.S.A. 21-4101, two counts of misdemeanor Endangering a Child, in violation of K.S.A. 21-3608(a), and one count of misdemeanor Driving Under the Influence in violation of K.S.A. 8-1567 in the District Court of Reno County, Kansas.
3. The offenses for which she was convicted took place in 2003. Ms. Atkinson was twenty-six (26) years old at the time. She was not licensed by the Kansas State Board of Education at the time.
4. Ms. Atkinson did not disclose her offenses at the time of her application.

CONCLUSIONS OF LAW

1. Ms. Atkinson was not a licensed educator or employed in a position of public trust at the

time of her offense.

2. The Kansas State Board of Education shall not knowingly issue a license to or renew the license of any person who has been convicted of any act described in any section of Article 36 of Chapter 21 of the Kansas Statutes Annotated, prior to their repeal without first determining that the person has been rehabilitated for a period of at least five years from the date of conviction of the offense or commission of the act. (See K.S.A. 72-2165(b)(4),(c)).

3. Factors for the State Board to consider include the nature and seriousness of the offense or act, the conduct of the person subsequent to the commission of the offense or act, the time elapsed since the commission of the offense or act, the age of the person at the time of the offense or act, whether the offense or act was an isolated or recurring incident, and discharge from probation, pardon or expungement. (K.S.A. 72-2165(c)).

4. During the hearing, Ms. Atkinson testified as to the events which resulted in her criminal conviction. She testified that approximately 15 years ago she had attended the Kansas State Fair with her husband. They had both been drinking all day at the fair. After an argument, she left her husband at the State Fair and drove to another location to pick up her children who she subsequently drove home. She further testified to being woken by law enforcement and subsequently arrested for DUI and Endangering a Child.

5. During the hearing, Ms. Atkinson testified that she did not disclose the convictions for Endangering a Child on her licensure application because she did not believe they would show up on her criminal record. It was unclear from her testimony whether she believed her record was clear or she did not know she had been convicted.

6. Any license issued by the State Board may be denied for misconduct or other just cause such as a conviction of any misdemeanor involving a minor, conviction of any act defined in any section of Article 36 of Chapter 21 of the Kansas Statutes Annotated, or for attempting to obtain a license

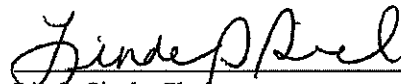
by fraudulent means or through misrepresentation of material facts.

7. The evidence shows Ms. Atkinson misrepresented material facts on her application and is not suitable to be placed in a position of trust.

THEREFORE the Professional Practices Commission recommends to the State Board by a vote of 6 – 0 that Jessica Atkinson’s application for Emergency Substitute Teaching License be denied.

This Initial Order is made and entered this November 30, 2018.

PROFESSIONAL PRACTICES COMMISSION


Linda Sieck, Chairman
Order signed on Jan. 25, 2019.

NOTICE TO LICENSEE

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.

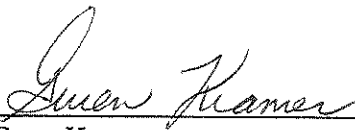
CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of January, 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:

Jessica Atkinson
607 W. 8th
Hutchinson, Kansas 67501

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