

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Application of
Andrew Myers

Case No. 21-PPC-03

FINAL ORDER

NOW, on this 8th day of June, 2021, 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, Betty Arnold, Jean Clifford, Michelle Dombrosky, Melanie Haas, Deena Horst, Ben Jones, Jim McNiece, Ann Mah and Janet Waugh.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on April 16, 2021. Andrew Myers appeared on his own behalf. The Kansas State Department of Education appeared through its attorney, R. Scott Gordon. After reviewing the evidence, the Commission voted **7 – 0**, to recommend the Board deny Andrew Myers' application for an emergency substitute teaching license.

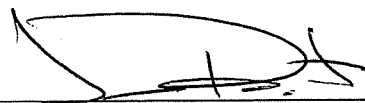
WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by Jennifer Holt, Commission Chair, who was available to answer the Board's questions and being otherwise duly advised in the premises, the Board adopted the Commission's findings of fact and conclusions 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 Andrew Myers' application for an emergency substitute teaching license is denied.

This Final Order is made and entered this 8th day of June 2021.

Kansas State Board of Education



BY: Jim Porter, Chairman
Signed October 22, 2021

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

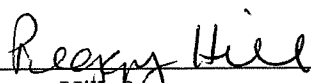
CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of October 2021, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Andrew Myers
15611 W. 146th Street
Olathe, Kansas 66602

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
Andrew Myers

21-PPC-03

INITIAL ORDER

The above-captioned case comes on for hearing before the Professional Practices Commission (“Commission”) of the Kansas State Board of Education (“State Board”) upon application for an emergency substitute teaching license submitted by Andrew Myers (“Applicant”).

The hearing on this matter was held on April 16, 2021 via Zoom. Appearing for the Commission were chairperson, Jennifer Holt, and members, Aaron Edwards, Eric Fillipi, Kimberly Gilman, Nathan Reed, Stan Ruff, and Caroline Spaulding. The KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon. Applicant appeared on his own behalf.

FINDINGS OF FACT

1. Applicant applied for an emergency substitute teaching license.
2. In 2008, while employed as a detention officer of the Nebraska Department of Correctional Services, the Applicant was charged with a Class IV Felony for violating Nebraska Revised Statute 83-417. The charging document indicates Applicant provided contraband to an inmate.
3. On March 13, 2009, the Applicant was sentenced to probation for Attempted Convey Article to Committed Offender, a Class I Misdemeanor.
4. Applicant testified to the following: He was caught providing tobacco to an inmate without authority to do so. The Applicant further testified that he had been advised/warned against inappropriate conversations with the inmate and the inmate’s father.
5. Prior to the hearing, Applicant received written instructions to provide at least one letter of recommendation from someone that was familiar with his criminal record/the reason for the hearing. No such letter or evidence was presented other than Applicant’s testimony.


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.
3. 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.
4. Teaching and school administration are professions with all the similar rights, responsibilities and privileges accorded other legally recognized professions. K.S.A. 72-2308.
5. Although Applicant’s criminal activity occurred approximately 13 years ago, he was 24 at the time.
6. Although Applicant was not licensed as an educator at the time of the offense, the State recognized his then-employment as an employee of the Department of Correctional Services to be that of a profession.
7. The Commission does not believe the Applicant has demonstrated any evidence of rehabilitation other than a court-ordered term of probation. ~~The Commission finds that to be insufficient.~~
8. The Commission has serious concerns about his behavior while in a position of trust. The Commission also has serious concerns that there is more to the story than what he shared – particularly the conversations between himself, the inmate, and the inmate’s father.

THEREFORE the Professional Practices Commission, by vote of 7-0, recommends the Kansas State Board of Education deny the application for an emergency substitute teaching license.

This Initial Order is made and entered this _____ *May*, 2021.

PROFESSIONAL PRACTICES COMMISSION



Jennifer Holt, Chairman

Order signed on _____ *May 12*, 2021.

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

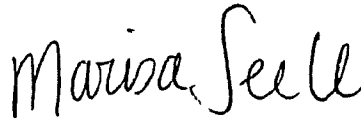
I hereby certify that on this 13 day of May, 2021, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education and one

(1) copy was mailed by certified mail, return receipt requested, to:

Andrew Myers
15611 W. 146th Street
Olathe, KS 66602

And via interoffice mail to:

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



Marisa Seele
Secretary, Professional Practices Commission