

**Professional Practices Commission
Kansas State Department of Education
900 S.W. Jackson Street
Topeka, Kansas**

Thursday, February 26, 2015

1. Call to Order

The February 26, 2015 Professional Practices Commission meeting was called to order at 8:17 a.m. by Chairman Calin Kendall.

Members present: Phil Clark
Dorsey Burgess
Tavis Desormiers
Kimberly Groom
Calin Kendall
Susan Myers
Linda Sieck
Jessica Snider

KSDE Staff: Kelli Broers, Assistant General Counsel
Theresa Coté, PPC Secretary
Scott Gordon, Director, General Counsel
Diana Stephan, Teacher Licensure and Accreditation
Nick Stewart, Videographer

KNEA Staff: Marjorie Blaufauss

Office of Administrative Hearings: Michele Tunnell

2. Announcements/Welcome

Jessica Snider was introduced and welcomed as a member of the PPC. Jessica is an elementary school teacher with Emporia USD 253.

3. Approval of Minutes

It was M/S (Phil Clark/Dorsey Burgess) that the minutes of the November 17, 2014 Professional Practices Commission meeting be approved as presented. Motion carried unanimously, 8-0.

4. Old Business

Mr. Gordon shared Eden Bloom filed a "Petition for Reconsideration" with the State Board of Education, who reviewed her application twice and the voted to deny her license. This is on the agenda for the March 10, 2015 State Board meeting.

5. New Business

Ms. Broers submitted two additional applications for the default proceedings:

Brooke Dinkel 15-PPC-01 and Mark Wisner 15-PPC-02

- a. **Drake Foster** **13-PPC-43**
It was M/S (Linda Sieck/Susan Myers) to recommend to the State Board of Education that Drake Foster's license be revoked retroactively as a consequence of his criminal behavior. Motion carried unanimously, 8-0.

- b. **Peter Henderson** **13-PPC-52**
It was M/S (Dorsey Burgess/Linda Sieck) to recommend to the State Board of Education that Peter Henderson's license be revoked as a consequence of his criminal behavior. Motion carried unanimously, 8-0.

- c. **Ernest Newton** **14-PPC-41**
It was M/S (Kimberly Groom /Dorsey Burgess) to recommend to the State Board of Education that Ernest Newton's license be revoked as a consequence of his criminal behavior. Motion carried unanimously, 8-0.

- d. **Kenn Neyland** **14-PPC-42**
It was M/S (Dorsey Burgess/Tavis Desormiers) to recommend to the State Board of Education that Kenn Neyland's license be revoked as a consequence of his criminal behavior. Motion carried unanimously, 8-0.

- e. **Steven Brinkman** **14-PPC-44**
It was M/S (Linda Sieck/Susan Myers) to recommend to the State Board of Education that Steven Brinkman's license be revoked as a consequence of his criminal behavior. Motion carried unanimously, 8-0.

- f. **Amber Chambers** **14-PPC-45**
It was M/S (Kimberly Groom/Phil Clark) to recommend to the State Board of Education that Amber Chambers' application for a license be denied as a consequence of her ongoing criminal behavior. Motion carried unanimously, 8-0.

- g. **Tisha Reeden** **14-PPC-46**
It was M/S (Kimberly Groom/Linda Sieck) to recommend to the State Board of Education that Tisha Reeden's application for a license be denied as a consequence of her criminal behavior. Motion carried unanimously, 8-0.

- h. **Charles Klea** **14-PPC-47**
It was M/S (Kimberly Groom/Linda Sieck) to recommend to the State Board of Education that Charles Klea's license be revoked as a consequence of his criminal behavior in the state of Oregon. Motion carried unanimously, 8-0.

- i. **Ryan Cox** **14-PPC-48**
It was M/S (Dorsey Burgess/Linda Sieck) to recommend to the State Board of Education that Ryan Cox's license be revoked as a consequence of his criminal behavior. Motion carried unanimously, 8-0.

j. John Shipley 14-PPC-49

It was M/S (Linda Sieck/Susan Myers) to recommend to the State Board of Education that John Shipley's license be revoked as a consequence of the revocation of his license in New Mexico. Motion carried unanimously, 8-0.

The Commission will act on the final four (4) defaults during Friday's meeting, February 27.

6. Hearings

a. Brett Gearheart 14-PPC-37

Chairman Kendall convened the Brett Gearheart hearing at 9:07 a.m.

Kelli Broers appeared on behalf of KSDE. Mr. Gearheart appeared in person with his attorney, John Boyd. At their November meeting, the PPC requested Mr. Gearheart provide evidence of completion of the requirements of his diversion, positive drug test results, as well as any other evidence. Mr. Gearheart submitted documentation in support of his rehabilitation.

The hearing was recessed at 9:17 a.m. for deliberations by the Commission. Following deliberations, the hearing reconvened at 9:40 a.m.

It was M/S (Kimberly Groom/Susan Myers) to recommend to the State Board of Education that Brett Gearheart's application for an initial license be granted. Motion carried unanimously, 8-0.

Recessed at 9:42 a.m.

Reconvened at 9:50 a.m.

Commission members requested information on the ramifications of a public censure. It was asked if public censure would be included as a type of disciplinary action. If the Commission recommends that a person's application be granted, but include public censure in their motion, would that person come back to the Commission when they apply for another level, etc.

Kelli and Scott will put together a brief on public censure to share with the Commission at an upcoming meeting.

b. Kelly Dockter 14-PPC-27

Chairman Kendall convened the Kelly Dockter at 10:14 a.m.

Scott Gordon and Kelli Broers appeared on behalf of KSDE. Also appearing and testifying on behalf of KSDE were: Nancy DeGarmo, Nicole Freeman, Holly Hudson and Emily Gawith.

Ms. Dockter appeared in person with her attorney, Wm. Michael Smith.

There being no objections, the exhibits were admitted into evidence.

Mr. Gordon requested sequestration of the witnesses.

Opening statements were given by Mr. Gordon and Mr. Smith.

Recessed at 12:22 p.m. for lunch.

Reconvened at 1:25 p.m.

Recessed at 2:30 p.m.

Reconvened at 2:45 p.m.

KSDE had no additional witnesses and rested at 4:50 p.m.

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6. Hearing (cont'd)

b. Kelly Dockter Hearing (cont'd)

14-PPC-27

Chairman Kendal reconvened the Kelly Dockter hearing at 9:04 a.m.

All members who were in attendance on Thursday, February 26 were in attendance today. Ms. Dockter and her attorney, Mr. Smith, were also in attendance.

Recessed at 10:40 a.m.

Reconvened at 10:56 a.m.

Recessed for lunch at 11:34 a.m.

Reconvened at 12:30 p.m.

Recessed at 2:06 p.m.

Reconvened at 2:19 p.m.

Mr. Gordon and Mr. Smith provided closing statements.

The hearing was recessed at 2:49 p.m. for deliberations by the Commission. Following deliberations, the hearing reconvened at 3:37 p.m.

It was M/S (Kimberly Groom/Phil Clark) to recommend to the State Board of Education that Kelly Dockter's application be denied as a result of substantiated child abuse. Motion carried, 7-1, with Calin Kendall in opposition.

Hearing adjourned at 3:39 p.m.

5. New Business (cont'd)

k. Mark Wisner 15-PPC-02

It was M/S (Dorsey Burgess/Linda Sieck) to recommend that the State Board of Education accept Mark Wisner's voluntary surrender of his license. Motion carried unanimously, 8-0.

l. Michael Byerly 14-PPC-50

It was M/S (Kimberly Groom/Linda Sieck) to recommend to the State Board of Education that Michael Byerly's application be denied as a consequence of the revocation of his license in Texas. Motion carried unanimously, 8-0.

m. Lori Layher 14-PPC-51

It was M/S (Kimberly Groom/Tavis Desormiers) to recommend to the State Board of Education that Lori Layher's application be denied as a consequence of the revocation of her license in Texas. Motion carried unanimously, 8-0.

n. Brooke D. Dinkel 15-PPC-02

It was M/S (Kimberly Groom/Linda Sieck) to recommend to the State Board of Education that Brook Dinkel's application be denied as a result of her conviction of felony rape. Motion carried unanimously, 8-0.

Adjourned at 3:44 p.m.

2014-2015 Meeting Dates

March 30, 2015	Board Room, KSDE
April 27, 2015	Board Room, KSDE
June 15 & 16, 2015	Board Room, KSDE