

Kansas Administrative Regulations

State Department of Education

Article 22.—Professional Practices Commission

91-22-1a. Denial of license; grounds; report.

(a) Any application for a license issued by the state board may be denied for any of the following reasons:

(1) Pleading guilty, nolo contendere, or no contest to or having been otherwise found guilty of any of the following, regardless of whether sentence is imposed, or upon proof of such conduct provided during a hearing of the professional practices commission:

(A) Any crime punishable as a felony;

(B) any crime involving a child under the age of 18, other than the accused, as an element or instrumentality of the crime;

(C) any crime involving a theft;

(D) any crime involving drug-related conduct;

(E) any crime defined in K.S.A. 21-3601 et seq. and amendments thereto, before repeal of those statutes, or K.S.A. 21-5601 et seq. and amendments thereto; or

(F) any attempt, as defined by K.S.A. 21-3301 and amendments thereto, before its repeal, or K.S.A. 21-5301, and amendments thereto, to commit any crime specified in this subsection;

(2) commission or omission of any act that injures the health or welfare of a minor through physical or sexual abuse or exploitation;

(3) engaging in any sexual activity with a student;

(4) engaging in any behavior that can reasonably be construed as involving an inappropriate and overly personal and intimate relationship with, conducts toward, or focus on a student;

(5) engaging in bullying, as defined in K.S.A. 72-6147 and amendments thereto;

(6) engaging in conduct that results in substantiated findings of abuse by the Kansas department for children and families;

(7) failing to report abuse or neglect of any child pursuant to K.S.A. 38-2223(a) through (d), and amendments thereto;

(8) engaging in academic dishonesty;

(9) breach of an employment contract with an education agency by abandonment of the position;

(10) failing to notify the commissioner of education as required in K.A.R. 91-22-1b(f) while previously licensed;

(11) entry into a criminal diversion agreement after being charged with any offense or act described in K.S.A. 72-2165(b) and amendments thereto;

(12) obtaining, or attempting to obtain, a license by fraudulent means or through misrepresentation of material facts;

(13) denial, revocation, cancellation, or suspension of any professional license in any state on grounds similar to any of the grounds described in this subsection; or

(14) failure to meet the licensure requirements of the state board pursuant to K.A.R. 91-1-200 through K.A.R. 91-1-220.

(b) Any individual with a criminal or civil record described in this regulation may submit a petition to the board for an informal, written advisory opinion concerning whether the individual's civil or criminal record may disqualify the individual from licensure. Each petition shall include the following:

(1) The details of the individual's civil or criminal record, including a copy of court records or the settlement agreement;

(2) an explanation of the circumstances that resulted in the civil or criminal record; and

(3) a check or money order in the amount of \$50.00.

(c) A certified copy of a journal entry of conviction or other court document indicating that an individual has pled guilty, nolo contendere, or no contest or has been otherwise found guilty, regardless of whether sentence is imposed, of a crime shall be conclusive evidence of the commission of that crime in any proceeding instituted against the individual to deny a license.

(d) In any proceeding instituted against an individual to deny a license for conduct described in subsection (a), the fact that the individual has appealed a conviction shall not prevent any proceeding concerning denial of the license.

(e) An individual whose professional license has been denied, suspended, canceled, revoked, or surrendered in any state on grounds similar to any of the grounds described in subsection (a) shall not be eligible for licensure by the state board until the individual is eligible for licensure where the denial, suspension, cancellation, revocation, or surrender occurred.

(f)(1) Except as provided in K.S.A. 72-2165 and amendments thereto, any person who has engaged in conduct described in subsection (a) of this regulation may apply for a license by completing an application for a license and submitting evidence of rehabilitation to the Kansas professional practices commission. The evidence shall demonstrate that the conduct has ceased to be a factor in the fitness of the person seeking licensure. Factors relevant to a determination as to rehabilitation shall include the following:

(A) The nature and seriousness of the conduct;

(B) the extent to which a license may offer an opportunity to engage in conduct of a similar type;

(C) the present fitness of the person to be a member of the profession;

(D) the actions of the person after the denial or revocation;

(E) the time elapsed since the denial or revocation;

(F) the age and maturity of the person at the time of the conduct;

(G) the number of incidents of improper conduct; and

(H) discharge from probation, pardon, or expungement.

(2) A person who has engaged in conduct described in subsection (a) shall not be eligible to apply for a license until one of the following conditions is met:

(A) If convicted of a felony, at least five years have elapsed from the date of conviction;

(B) if convicted of a misdemeanor, one year has elapsed since the date of conviction or the person has completed probation, whichever is later;

(C) in the case of a person who has entered into a criminal diversion agreement for any crime described in K.S.A. 72-2165(b) and amendments thereto, the person has satisfied the terms and conditions of the agreement; or

(D) at least one year has elapsed since the date of the offense or commission of the act or acts for which there was no conviction or diversion.

(g) Before any license is denied by the state board for any act described in subsection (a), the person shall be given notice and an opportunity for a hearing to be conducted before the professional practices commission in accordance with this article of the department's regulations.

(Authorized by article 6, section 2 of the Kansas Constitution and K.S.A. 74-120; implementing article 6, section 2 of the Kansas Constitution and K.S.A. 72-2155, 72-2165, 72-2313, and 74-120; effective May 19, 2000; amended April 12, 2024.)

***** Authenticated Kansas Administrative Regulation *****