

**BEFORE THE PROFESSIONAL STANDARDS COMMISSION
OF THE STATE OF IDAHO**

LISA COLÓN-DURHAM, Chief Certification Officer, Complainant,)	Case No. 21616
vs.)	FINDINGS OF FACT, CONCLUSIONS
KRISTA L. COCHRAN, Respondent.)	OF LAW, AND FINAL ORDER OF THE
<hr/>)	HEARING PANEL

The Chief Certification Officer Lisa Colón-Durham (CCO) filed an Administrative Complaint against the Certificates of Krista L. Cochran for breaching a teaching contract. Ms. Cochran answered and requested a hearing. A Hearing Panel of the Professional Standards Commission held a hearing as noticed beginning at 11:00 a.m. on Monday, April 17, 2017, in the Board Room of the Mountain Home School District Office, 470 North 3rd East, Mountain Home, Idaho. Dennis Cartwright chaired the Hearing Panel. Shannon Cullen and Lori Diehl were the other members of the Hearing Panel. Michael S. Gilmore, Deputy Attorney General, advised the Hearing Panel. Brian V. Church, Deputy Attorney General, represented the CCO. Ms. Cochran represented herself. This written decision of the Hearing Panel reviews the proceedings before the Panel, makes Findings of Fact and Conclusions of Law, and enters a Final Order for the CCO to issue a letter of reprimand to Ms. Cochran and to require Ms. Cochran to write revised letters of apology.

I. SUMMARY OF THE PROCEEDINGS

Mountain Home School District Superintendent James G. Gilbert, North Elementary School Principal Anita Straw, Chief Certification Officer Lisa Colón -Durham, State Department of Education Program Specialist Annette Schwab, and Respondent Krista Cochran testified at hearing. We gather the following from their testimonies and the exhibits.

Ms. Cochran holds teaching and administrative certificates. CCO Exhibit 1.¹ She was a teacher at North Elementary School in Mountain Home School District. Ms. Cochran signed a contract to teach at North for the 2015-2016 school year. CCO Exhibit 2. During that school

¹ Ex. 1 might not have reflected removal of a condition that Ms. Cochran contended had been satisfied, resulting in a revised certificate. The condition's presence or absence is not relevant to this case.

year she had an opportunity to be employed in an administrative position for McKenna Charter School in Mountain Home. She accepted the position and tried to work both jobs by doing McKenna's administrative work when she was not working as an elementary teacher. In the end, Ms. Cochran found that working both jobs became untenable, and she felt that she had to leave one or the other.

In December 2015 Ms. Cochran asked to be released from her teaching contract for the 2015-2016 school year; Superintendent Gilbert declined to release her or to recommend to the School Board that she be released. CCO Exhibit 11. On January 22, 2016, Ms. Cochran provided a letter of resignation to become effective in August 2016. CCO Exhibit 14. On February 9, 2016, she e-mailed Superintendent Gilbert that her final day as a teacher at North Elementary would be Friday, February 26, 2016; on the next day he replied that if she left her job, then the School District would submit an ethics complaint for job abandonment to the Professional Standards Commission. Meanwhile, Ms. Cochran contacted staff in the State Department of Education to learn what discipline was most commonly imposed for breaching a teaching contract.

Ms. Cochran did not return to the classroom after February 26, 2016, her last day at that job. CCO Exhibit 22 (letter from Ms. Cochran to "Dear Parents"). She stayed in contact with personnel at North to determine that arrangements were made for her classroom and observed the school on Monday, February 29, 2016, to see that her former students were not left outside. Exhibits E and F. She also prepared lesson plans for the remainder of the school year and left written instructions regarding the class. Exhibit D. Mr. Gilbert then sent a letter to the Professional Standards Commission regarding Ms. Cochran's "job abandonment". CCO Exhibit 22.

II. THE LAW TO BE APPLIED

Idaho law provides that a certified educator can be disciplined for breach of a teaching contract and for willful violation of a code of ethics adopted by the State Board of Education.²

² Idaho Code § 33-1208, subsections 1.c and 1.j provides:

§ 33-1208. Revocation, suspension, denial, or place reasonable conditions on certificate — Grounds. — 1. The professional standards commission may deny, revoke, suspend, or place reasonable conditions on any certificate issued or authorized under the provisions of section 33-1201, Idaho Code, upon any of the following grounds:

State Board of Education Rules in turn provide that failure to fulfill a teaching contract without being released from the contract is unethical conduct.³ Idaho law allows this Hearing Panel to impose letters of reprimand and to place reasonable conditions upon a certificate as discipline.⁴

III. APPLICATION OF THE LAW TO THE FACTS OF THIS CASE

The facts of this case are undisputed: Ms. Cochran signed a contract to teach elementary school for the 2015-2016 school year. During that school year she took advantage of an opportunity to begin an administrative position at a charter school, initially hoping to work both jobs during the 2015-2016 school year. It later became apparent that the demands of both jobs were too much. She then made her choice: She reneged on her prior commitment to teach and quit.

During the hearing, Ms. Cochran expounded at length on many things, for example, the

...

c. Breach of the teaching contract;

...

j. Willful violation of any professional code or standard of ethics or conduct, adopted by the state board of education;

...

³ State Board of Education Rule 76.09 Governing Uniformity, IDAPA 08.02.02.076.09, provides:

09. Principle VIII - Breach of Contract or Abandonment of Employment. A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract. Unethical conduct includes, but is not limited to:

- a. Abandoning any contract for professional services without the prior written release from the contract by the employing school district or agency;
- b. Willfully refusing to perform the services required by a contract; and,
- c. Abandonment of classroom or failure to provide appropriate supervision of students at school or school-sponsored activities to ensure the safety and well-being of students.

⁴ Idaho Code § 33-1209 provides:

§ 33-1209. Proceedings to revoke, suspend, deny or place reasonable conditions on a certificate — Letters of reprimand — —

...

(6) ... The hearing panel may determine to suspend or revoke the certificate, or the panel may order that reasonable conditions be placed on the certificate or a letter of reprimand be sent to the certificate holder, or if there are not sufficient grounds, the allegation against the certificate holder is dismissed and is so recorded.

...

(11) For the purposes of this section, the term “teacher” shall include any individual required to hold a certificate pursuant to section 33-1201, Idaho Code.

opportunity presented by the job at McKenna; that the Mountain Home School District had released other employees (some of whom were teachers, some of whom were not) from their contracts during the school year; that she had made the best arrangements she could for a smooth transition for her students; and that failure to release her from her contract may have been retaliatory because McKenna would compete with Mountain Home School District for students. After admitting the obvious — she left a teaching job during the school year — the glaring omissions from Ms. Cochran’s testimony were her lack of acknowledgement that (1) her dilemma of being forced to choose between two jobs was entirely of her own creation, (2) she made a commitment to teach at North that preceded her commitment to McKenna, and (3) she had made a calculated decision to “roll the dice” on the discipline she might receive for breaching a teaching contract.

Given all that, it is clear that Ms. Cochran violated Idaho Code § 33-1208 subsection 1.c and State Board Uniformity Rule 76.09. That leaves the question of what discipline should be imposed. Ms. Cochran introduced evidence of a disciplinary package that she had negotiated with the CCO, which was later rejected by the Professional Standards Commission itself. Exhibits J, K, L M, and N. Ordinarily, this information would have no bearing on our decision, but this is an unusual case because Ms. Cochran placed this information into evidence herself and because the evidence indicates that she has already taken an ethics course that would be in addition to her normal continuing education requirements.

We decide to impose the following discipline. First, the CCO shall place a letter of reprimand in Ms. Cochran’s file. In deciding what should be included in the letter of reprimand, we take into account that McKenna did not have a superior claim to Ms. Cochran’s services over North; the opposite was the case because Ms. Cochran had signed a contract to teach at North and was teaching at North when she sought out the job at McKenna. Thus, the CCO’s letter of reprimand must include the following sentence: “Ms. Cochran is reprimanded for leaving a teaching position during the 2015-2016 school year and abandoning her teaching contract without being released from her contract in order to take another education job.”

Ms. Cochran was also required to write letters of apology as part of her discipline negoti-

ated with the CCO. She exercised poor judgment in writing identical letters to her former principal, former superintendent, and former school board. We have reviewed those letters, which are Exhibit J, and find them to be perfunctory and bordering on a non-apology. For example, the second sentence of each apology says: “I’m sorry if my absence caused you any hardship, as that was not my intent.” In our view, one problem presented by Ms. Cochran’s leaving was not whether she intended hardship, but whether she actually caused hardship.

Ms. Cochran’s current resumé describes herself as an “Instructor, Administrator, Director.” Exhibit O. If Ms. Cochran is now an administrator or director, then she is capable of writing new letters of apology that thoughtfully reflect upon the effects upon students, parents, a principal, a superintendent, or a school board of a teacher abandoning the classroom during the school year to seek “greener pastures.” We thus require Ms. Cochran to write revised letters of apology to her former principal, her former superintendent, and her former school board and send copies of those letters to the CCO. These letters must be sent (with copies to the CCO) within 28 days of this decision; at that time this case will be considered closed. We will not review the content of those letters to see if the content is satisfactory; we put Ms. Cochran upon her honor to compose a sincere letter that honestly discusses and acknowledges the consequences of her breaching her contract during the school year. When the CCO receives copies of those letters, the case will be concluded. This case will be held open until the CCO receives those letters. These letters will become part of the public record for anyone to review along with this written decision.

As for further discipline, assuming that the letters of apology are forthcoming, neither suspension or revocation of Ms. Cochran’s certificates is necessary. A suspension, even a retroactive suspension for part of last school year, would not serve any disciplinary purpose.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. Findings of Fact

1. Respondent Krista L. Cochran holds administrative and elementary certificates in Idaho. Exhibit CCO-1.

2. Ms. Cochran signed a contract to teach at North Elementary School in Mountain Home School District for the 2015-2016 school year.

3. Ms. Cochran breached that contract without being released from her contract when she did not teach or return to her classroom after February 26, 2016.

B. Conclusions of Law

1. This Hearing Panel has authority under Idaho Code § 33-1208 and § 33-1209 to hear this contested case initiated by the Chief Certification Officer's Administrative Complaint against Ms. Cochran.

2. This Hearing Panel has authority under Idaho Code § 33-1208, subsections 1.c and 1.j, and § 33-1209 to order the issuance of a letter of reprimand and to impose reasonable conditions upon the certificate of Ms. Cochran if it finds that she breached a teaching contract or violated State Board of Education Code of Ethics for Idaho Professional Educators Principal VIII, Uniformity Rule 76.09, IDAPA 08.02.02.076.09.

3. Ms. Cochran's conduct described in Findings of Fact 2 and 3 violated Idaho Code § 33-1208, subsections 1.c and 1.j, and State Board of Education Uniformity Rule 76.09, IDAPA 08.02.02.076.09.

4. The issuance of a letter of reprimand described in the text of this decision is a discipline authorized by Idaho Code § 33-1208 and § 13-1209 and the requirement for Ms. Cochran to submit revised letters of apology as required by the text of this decision is a reasonable condition to place upon Ms. Cochran's certificates as provided by § 33-1208 and § 13-1209.


FINAL ORDER

IT IS THE FINAL ORDER of this Hearing Panel that the files for the certificates of Respondent Krista L. Cochran include a letter of reprimand as described in this Final Order and that Ms. Cochran be required to send revised letters of apology as described in this Final Order.

IT IS THE FURTHER ORDER of this Hearing Panel that Ms. Cochran must send the revised letters of apology within twenty-eight days of the date of service of the Final Order and

that this case may be closed upon the Chief Certification Officer's receipt of copies of those letters.

Dated this 24th of April, 2017.



Dennis Cartwright
Hearing Panel Chair

Review of Final Order

THIS IS A FINAL ORDER OF THE HEARING PANEL. Any party may file a Petition for Reconsideration of this Final Order within fourteen (14) days of its service date. The Hearing Panel is required by law to dispose of a Petition for Reconsideration within twenty-one (21) days of its filing or the Petition for Reconsideration will be considered to be denied by operation of law. See Idaho Code § 67-5243(3).

Petitions for Reconsideration of this Final Order may be filed by mail addressed to the Professional Standards Commission, Department of Education, Statehouse, Boise, ID 83720- 0027, or may be delivered to the Department of Education, Len B. Jordan Building, Room 200, 650 West State Street, Boise, Idaho, and must be received within fourteen (14) days of the service date of this Final Order.


Judicial Review


Pursuant to Idaho Code §§ 33-1209(8), 67-5270, and 67-5272, any party aggrieved by this Final Order or by another Order previously entered in this Contested Case may obtain Judicial Review of this Final Order and of all previously issued Orders in this Contested Case by filing a Petition for Judicial Review in the District Court as provided by those sections.

A Petition for Judicial Review must be filed within twenty-eight (28) days of the service date of this Final Order, or, if a Petition for Reconsideration is timely filed, within twenty-eight (28) days of the service date of a decision on the Petition for Reconsideration or denial of the Petition for Reconsideration by operation of law. See Idaho Code §§ 67-5246 and 67-5283.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ²⁴th day of April, 2017, I caused to be served a true and correct copy of the preceding FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER OF THE HEARING PANEL by the method(s) indicated below and addressed to the following:

Krista L. Cochran 	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Certified Mail, Return Receipt Requested <input checked="" type="checkbox"/> E-mail: kristacochran@yahoo.com
Brian Church, Deputy Attorney General Office of the Attorney General Statehouse Boise, ID 83720-0010	<input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Hand Delivery <input type="checkbox"/> Certified Mail, Return Receipt Requested <input checked="" type="checkbox"/> E-mail: brian.church@ag.idaho.gov


 Michael S. Gilmore
 Deputy Attorney General