

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:) Case No. 21728
Michael J. Green,)
Respondent.) **STIPULATION**
_____)

BACKGROUND

The Professional Standards Commission received an allegation of unethical conduct concerning Michael J. Green. Following an investigation, the Executive Committee of the Professional Standards Commission reviewed the information before it and determined that probable cause exists for initiating an administrative action against Michael J. Green’s certificate. The Executive Committee has recommended the following Stipulation.

STIPULATION

1. This is an agreement (Stipulation) between Michael J. Green (Mr. Green) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).
2. If Mr. Green wishes to agree to this Stipulation, he must sign and return this Stipulation and any attachments to the Commission by 5:00 p.m. (mountain time) on February 23, 2018, unless he has been granted an extension.
3. After Mr. Green and the Executive Committee agree to and sign this Stipulation, the Stipulation must be approved by the Commission, and the Commission must enter the attached consent order, before this Stipulation resolves the matter.
4. A signed copy of this Stipulation may be submitted via mail or fax to:

Professional Standards Commission
650 West State Street, 2nd Floor
P. O. Box 83720
Boise, ID 83720-0027
Fax: (208) 334-2228 (Attn: Professional Standards Commission)

A. Stipulated Facts and Law

5. The Commission regulates teacher certification in the State of Idaho.

6. Mr. Green holds the following certificate and endorsement:

- a. Standard Secondary Certificate with Physical Education (PE) (6-12) and Health (6-12) endorsements – effective September 1, 2016 – valid until August 31, 2021.

7. Mr. Green was employed by Pocatello Chubbuck School District 25 during the 2017-2018 school year and worked as a teacher at Highland High school.

8. On October 23, 2017, Mr. Green was teaching a class at Highland High School. A female student was sitting in the class. The female student wore jeans that either had some tears or holes. Mr. Green approached the student and slapped or hit the female student approximately mid-thigh, leaving behind a visible handprint on the female student's leg. Mr. Green said the reason for his action was because the female student was wearing "ripped jeans."

9. Mr. Green informed the female student that two rules applied to students in his classroom. The first rule was that if you wore those types of jeans then he would slap her. The second rule was that if you get a tattoo, everyone, gets to slap the tattoo.

10. The female student walked past Mr. Green's classroom each day to get to other classes. On October 25, 2017, Mr. Green was standing in the hallway. As the female student passed him, he gave her a "look" about the pants she was wearing and when the female student said the pants were not even bad, Mr. Green responded with, "you know the rules."

11. Pocatello Chubbuck School District 25 has adopted policies 7302 and 7404. Policy 7302 provides, in part, that teacher misconduct includes threats, either direct or indirect, that are offensive or threatening statements or gestures made toward students. Policy 7404 provides, in part, that acts of harassment, intimidation, or bullying are prohibited, and that such actions can include verbal or physical acts.

12. The Executive Committee determined that probable cause exists for initiating an administrative action against Mr. Green for violating the following laws and rules governing teacher certification:

a. Mr. Green's conduct or course of conduct willfully violated a principle of the code of ethics that was adopted by the Idaho State Board of Education. Idaho Code § 33-1208(1)(j) ("Willful violation of any professional code or standard of ethics or conduct, adopted by the state board of education"). Specifically, Mr. Green violated Code of Ethics Principle II (Idaho Admin. Code r. 08.02.02.076.03) (A professional educator maintains a professional relationship with all students, both inside and outside the physical and virtual classroom.").

13. Mr. Green, although not admitting that he violated the laws and rules cited in paragraph 12, acknowledges that there is sufficient evidence to support a finding of a violation of the laws and rules cited in paragraph 12.

B. Stipulated Discipline

14. If this Stipulation is approved by the Commission, the following discipline will be imposed by the Commission on Mr. Green's certificate:

a. The Commission issue a letter of reprimand. The Commission would have required Mr. Green to take an anger management course as a condition on Mr. Green's certificate, but no such condition will be imposed given that Mr. Green has already demonstrated completion of such a course.

15. During the pendency of this Stipulation, Mr. Green will comply with all laws and rules governing teacher certification in Idaho.

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C. Presentation of this Stipulation

16. Once Mr. Green signs this Stipulation and timely returns it to the Commission, and the Executive Committee signs this Stipulation, the Deputy Attorney General assigned to the Commission will present this Stipulation to the Commission at the Commission's next business meeting.

17. The Commission may accept, reject, or modify the Stipulation.

18. If the Commission modifies this Stipulation, it must receive Mr. Green's approval on any modification before the Stipulation is effective.

D. Waiver of Rights

19. If this Stipulation is approved by the Commission, Mr. Green knowingly, intelligently, and voluntarily waives the following rights:

- a. the right to a hearing;
- b. the right to confront and cross-examine witnesses;
- c. the right to present evidence or to call witnesses, or to testify at a hearing;
- d. the right to reconsideration of the Commission's orders;
- e. the right to judicial review of the Commission's orders; and
- f. other rights accorded by the Idaho Administrative Procedure Act, and the law and rules governing teacher certification in the State of Idaho.

20. If this Stipulation is approved by the Commission, the Commission may impose discipline upon Mr. Green's certificate in the form of a letter of reprimand without further process.

21. By signing this Stipulation, Mr. Green agrees to waive any requirement for a hearing under Idaho Code § 33-1209(3) to be conducted within 90 days of his request for a hearing. This waiver applies unless the Commission rejects this Stipulation (if it does) or before Mr. Green ultimately rejects a modified stipulation (if Mr. Green does). If the Commission

rejects this Stipulation or if Mr. Green rejects a modified stipulation, Mr. Green may request a hearing and the 90-day hearing timeframe will begin from the rejection.

E. General Acknowledgments

22. This Stipulation contains the entire agreement between the parties, and Mr. Green is not relying on any other agreement or representation, whether verbal or written.

23. This Stipulation, if approved by the Commission, or modified and approved, resolves a contested case. If approved, the Stipulation, consent order, and any attachment are public records. And if approved, the Commission may make available through its or the State Department of Education’s website a copy of the Stipulation, consent order, and any attachment, and may report any discipline to the national clearinghouse for teacher certification.

24. Mr. Green agrees that he has read this Stipulation, has had the opportunity to discuss it with legal counsel, if he so chose, and understands that by signing below, he will be agreeing to the terms of this Stipulation.

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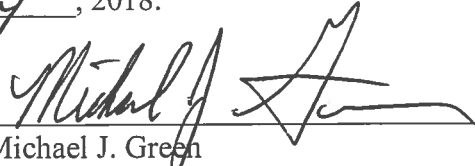
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SIGNATURES

Respondent

The respondent, Michael J. Green, agrees to this Stipulation.

DATED this 23 day of February, 2018.



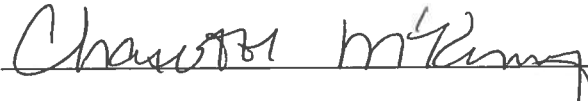
Michael J. Green
Respondent

Executive Committee

The Executive Committee recommends that the Commission enter an Order based upon this Stipulation.

DATED this 6 day of April, 2018.

IDAHO PROFESSIONAL STANDARDS
COMMISSION EXECUTIVE COMMITTEE



_____, Member

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:) Case No. 21728
)
Michael J. Green,) CONSENT ORDER
)
Respondent.)
_____)

The Professional Standards Commission orders that the Stipulation, entered between Michael J. Green and the Executive Committee, is adopted as the informal disposition of this case, as permitted under Idaho Code § 67-5241. This order will be effective on the date it is signed. The discipline listed in the Stipulation is imposed on Michael J. Green's certificate under Idaho Code

Code §§ 33-1208 and 33-1209. This is a final agency order, and Michael J. Green has waived the right of reconsideration and the right to judicial review.

Dated this 6th day of April, 2018.

IDAHO PROFESSIONAL STANDARDS COMMISSION

[Handwritten signature: Elisa Saffle]
Elisa Saffle, Member

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9 day of April, 2018, I caused to be served a true and correct copy of the foregoing by the following method to:

Gary Copper
Cooper & Larsen
151 North 3rd Avenue, Suite 210
Pocatello, ID 83201

- U.S. Mail
- Hand Delivery
- Certified Mail, Return Receipt Requested
- Overnight Mail
- Facsimile:
- Email:

Attorney for the
Chief Certification Officer
Robert A. Berry
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- U.S. Mail
- Hand Delivery
- Certified Mail, Return Receipt Requested
- Overnight Mail
- Facsimile: (208) 854-8073
- Email: robert.berry@ag.idaho.gov
leslie.gottsch@ag.idaho.gov



Annette Schwab
Program Specialist



STATE OF IDAHO
PROFESSIONAL STANDARDS COMMISSION
STATE DEPARTMENT OF EDUCATION
PO BOX 83720
BOISE, IDAHO 83720-0027

OFFICE
650 W State Street
PHONE
(208) 332-6884
FAX
(208) 334-2228
SPEECH/HEARING IMPAIRED
(800) 377-3529

RE: Michael J. Green
Professional Standards Commission Case No. 21728

LETTER OF REPRIMAND

The Professional Standards Commission issues a formal reprimand to Michael J. Green.

The Executive Committee of the Professional Standards Commission found probable cause to issue an administrative complaint against Mr. Green. On October 23, 2017, Mr. Green, while teaching at Highland High School, slapped or hit a female student approximately mid-thigh, leaving behind a visible handprint on the female student's leg. Mr. Green said the reason for his action was because the student was wearing "ripped jeans." The administrative complaint alleged that this conduct violated Idaho Code § 33-1208(1)(j), specifically Code of Ethics Principal II.

As part of the requested relief, the Professional Standards Commission requested issuance of a letter of reprimand should Mr. Green not request a hearing. Mr. Green has agreed to not request a hearing. Accordingly, the Chief Certification Officer is placing this letter of reprimand in Mr. Green's certification file.

Dated this 9 day of April, 2018.

IDAHO STATE DEPARTMENT OF EDUCATION

Lisa Colón Durham

Chief Certification Officer

cc: Gary Cooper, Respondent's Counsel
Robert A. Berry, Attorney for the Chief Certification Officer