

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Case No. 21611

David A. Coffman,

STIPULATION

Respondent

BACKGROUND

The Professional Standards Commission received an allegation of unethical conduct concerning David A. Coffman. 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 David A. Coffman's certificate. The Executive Committee has recommended the following Stipulation.

STIPULATION

1. This is an agreement (Stipulation) between David A. Coffman (Mr. Coffman) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).
2. If Mr. Coffman 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 **August 23, 2016**, unless he has been granted an extension.
3. After Mr. Coffman 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. Coffman holds the following certificate and endorsements:

- a. Standard Secondary Certificate with Drama 6-12 and History 6-12 Endorsements – effective September 1, 2015 – valid until August 31, 2020.

7. During the relevant times, Mr. Coffman was employed by the Bonneville Joint School District No. 93, serving as a teacher at Hillcrest High School.

8. For the fall and spring semesters of the 2015-2016 school year, Mr. Coffman served as a drama or theater teacher.

9. In the fall semester of the 2015-2016 school year, a female student of Mr. Coffman, who was in her senior year, was accepted into a collegiate theatre program or school.

10. Mr. Coffman, upon seeing the female student (who will be referred to as the female student) and after learning of her acceptance into the program, hugged her and kissed the female student on the top of the head (or on the forehead).

11. At some time during the 2015-2016 school year, Mr. Coffman grabbed or otherwise touched the female student's buttocks while she was at school on a catwalk.

12. For some period of time during the 2015-2016 school year, the female student worked with Mr. Coffman on a school play.
13. During the female student's involvement with the school play, Mr. Coffman developed or further developed an emotional (potentially romantic) relationship with the student.
14. During the female student's involvement with the school play, Mr. Coffman and the female student would text one another, with the texts becoming "personal," as Mr. Coffman acknowledged in a written statement to school district personnel.
15. On or about February 5, 2016, Mr. Coffman kissed the female student on her mouth.
16. On or about February 8, 2016, Mr. Coffman kissed the female student on her mouth, while she was sitting on his lap facing him and straddling his legs.
17. The Executive Committee determined that probable cause exists for initiating an administrative action against Mr. Coffman for violating the following law and rule governing teacher certification:
 - a. 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").
 - b. Code of Ethics Principle II (Idaho Admin. Code r. 08.02.02.076.09) ("A professional educator maintains a professional relationship with all students, both inside and outside the physical and virtual classroom.").
18. Mr. Coffman, although not admitting that he violated the law and rule cited in paragraph 17, acknowledges that there is sufficient evidence to support a finding of a violation of the law and rule cited in paragraph 17.

B. Stipulated Discipline

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

a. Mr. Coffman's certificate will be revoked.

20. Any costs associated with Mr. Coffman's compliance with the terms of this Stipulation are his responsibility.

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

C. Non-Compliance with this Stipulation

22. If the Commission or the State Department of Education, or its employees or agents, have reason to believe that Mr. Coffman has not complied with the terms of this Stipulation, the Chief Certification Officer may file a Notice of Non-Compliance with the Commission. This Notice of Non-Compliance will be personally served or be served by certified mail on Mr. Coffman at his last known address (or on his attorney). After granting Mr. Coffman an opportunity to respond, the Commission may order that he complete the discipline in the original stipulated discipline, may order further discipline in addition to Mr. Coffman completing the original stipulated discipline, or may impose other discipline as it sees fit, including suspending or revoking Mr. Coffman's certificate.

D. Presentation of this Stipulation

23. Once Mr. Coffman 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.

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

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

E. Waiver of Rights

26. If this Stipulation is approved by the Commission, Mr. Coffman 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.

27. If this Stipulation is approved by the Commission, the Commission may impose discipline upon Mr. Coffman's certificate without further process.

28. By signing this Stipulation, Mr. Coffman 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 to any hearing request made before the Commission ultimately rejects this Stipulation (if it does) or before Mr. Coffman ultimately rejects a modified stipulation (if Mr. Coffman does). If the Commission ultimately rejects this Stipulation or if Mr. Coffman ultimately rejects a modified stipulation, and Mr. Coffman has requested a hearing, the 90-day hearing timeframe will begin from the ultimate rejection.

F. General Acknowledgments

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

30. 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.

31. Mr. Coffman 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.

SIGNATURES

Respondent

The respondent, David A. Coffman, agrees to this Stipulation.

DATED this 15 day of Aug, 2016.



David A. Coffman
Respondent

Executive Committee

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

DATED this 23 day of September, 2016.

IDAHO PROFESSIONAL STANDARDS
COMMISSION EXECUTIVE COMMITTEE

Charlene McKinley
_____, Member

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

David A. Coffman,


Respondent

Case No. 21611

CONSENT ORDER

The Professional Standards Commission orders that the Stipulation, entered between David A. Coffman and the Executive Committee, is adopted as the informal disposition of this case, as permitted under Idaho Code § 67-5241. It will be effective on the 23rd day of September, 2017. The discipline listed in the Stipulation is imposed on David A. Coffman's certificate under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and David A. Coffman has waived the right of judicial review.

IDAHO PROFESSIONAL STANDARDS
COMMISSION



~~Elisa Saffie~~, Member
Taylor Raney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26 day of Sept, 2016 I caused to be served a true and correct copy of the foregoing by the following method to:

James D. Holman
Thomsen Holman Wheeler P.L.L.C.
2635 Channing Way
Idaho Falls, ID 83404

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

Brian V. Church
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:
brian.church@ag.idaho.gov
leslie.gottsche@ag.idaho.gov



Shannon H. Haas
Program Specialist
Idaho State Department of Education