

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificates of:

John R. Rhode,

Respondent

Case No. 21535

STIPULATION

**BACKGROUND**

The Professional Standards Commission received an allegation of unethical conduct concerning John R. Rhode. 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 John R. Rhode's certificates. The Executive Committee has recommended the following Stipulation.

**STIPULATION**

1. This is an agreement (Stipulation) between John R. Rhode (Mr. Rhode) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).
2. If Mr. Rhode 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 2, 2016**, unless he has been granted an extension.
3. After Mr. Rhode 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. Rhode holds the following certificates and endorsements:
- a. Standard Secondary Certificate with Social Studies 6-12 Endorsement – effective September 1, 2013 – valid until August 31, 2018.
  - b. Standard Exceptional Child Certificate with Generalist K-12 Endorsement – effective September 1, 2013 – valid until August 31, 2018.
7. During the relevant time period of the 2013-2014 school year, Mr. Rhode was employed by the West Ada School District as a high school teacher, and student [REDACTED] was either 17 or 18 years of age.
8. During the 2013-2014 school year, Mr. Rhode and student [REDACTED] would have discussions in a room (known as the “Paper Closet”)<sup>1</sup> with the door closed and a cover over the window, where on at least one occasion, student [REDACTED] discussed with Mr. Rhode details of her life, including her sex life.<sup>2</sup>
9. During one discussion in the Paper Closet between Mr. Rhode and student [REDACTED], Mr. Rhode commented that if student [REDACTED] was willing to sleep with someone

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<sup>1</sup> Student [REDACTED] refers to the room as the “Paper Closet,” and Mr. Rhode refers to the room as the “Crying Room.”

<sup>2</sup> Mr. Rhode notes that on some occasions, other students would be in the room besides Student [REDACTED], while at other times, Student [REDACTED] and Mr. Rhode were alone in the room.

who was nice to her, she should have sex with him (or with her boyfriend or with everyone).<sup>3</sup>

10. During at least one discussion in the Paper Closet, Mr. Rhode shared details of his personal life with student [REDACTED], including information about his marriage.<sup>4</sup>

11. At one time during the semester, student [REDACTED] and Mr. Rhode communicated via paper—writing back and forth to one another—which included the subject of sex.

12. The Executive Committee determined that probable cause exists for initiating an administrative action against Mr. Rhode 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. 08.02.02.076.03) (“A professional educator maintains a professional relationship with all students, both inside and outside the classroom.”) (2013)<sup>5</sup>

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

## B. Stipulated Discipline

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<sup>3</sup> Mr. Rhode asserts that he communicated this to student [REDACTED] to help her understand the dangers associated with her behavior of having multiple sexual partners.

<sup>4</sup> Mr. Rhode contends that he shared information about his marriage to relate his own marital difficulties to those the student’s family was facing and to help her understand that people could work through marital problems.

<sup>5</sup> In March 2014, Principle II was amended to include the descriptor “Educator/Student Relationship” and now reads, “A professional educator maintains a professional relationship with all students, both inside and outside the physical and virtual classroom.”

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

a. Mr. Rhode's teaching certificates will be revoked.

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

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

#### **C. Non-Compliance with this Stipulation**

17. If the Commission or the State Department of Education, or its employees or agents, have reason to believe that Mr. Rhode 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. Rhode at his last known address (or on his attorney). After granting Mr. Rhode 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. Rhode completing the original stipulated discipline, or may impose other discipline as it sees fit, including suspending or revoking Mr. Rhode's certificates.

#### **D. Presentation of this Stipulation**

18. Once Mr. Rhode 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.

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

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

#### E. Waiver of Rights

21. If this Stipulation is approved by the Commission, Mr. Rhode 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.

22. If this Stipulation is approved by the Commission, the Commission may impose discipline upon Mr. Rhode's certificates without further process.

23. By signing this Stipulation, Mr. Rhode 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. Rhode ultimately rejects a modified stipulation (if Mr. Rhode does). If the Commission ultimately rejects this Stipulation or if Mr. Rhode ultimately rejects a modified stipulation, and Mr. Rhode has requested a hearing, the 90-day hearing timeframe will begin from the ultimate rejection.

## F. General Acknowledgments

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

25. 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.

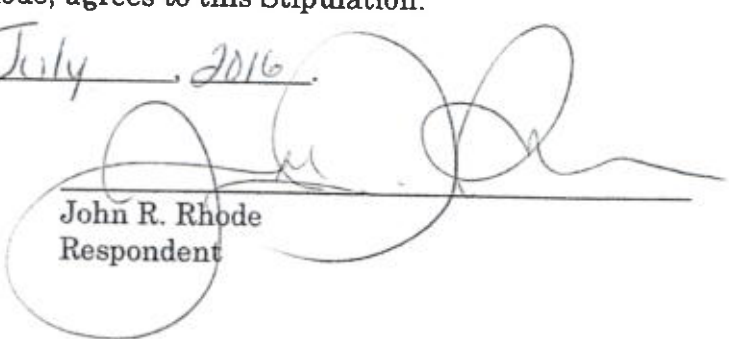
26. Mr. Rhode agrees that he has read this Stipulation, has had the opportunity to discuss it with legal counsel, if he so chose, and understands that by signing below, he will be agreeing to the terms of this Stipulation.

### SIGNATURES

#### Respondent

The respondent, John R. Rhode, agrees to this Stipulation.

DATED this 15 day of July, 2016.

  
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John R. Rhode  
Respondent

**Executive Committee**

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

DATED this 23 day of September 2014.

IDAHO PROFESSIONAL STANDARDS  
COMMISSION EXECUTIVE COMMITTEE

Charlene Milroy  
\_\_\_\_\_, Member

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificates of:

John R. Rhode,

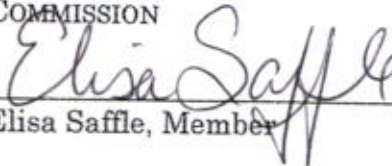
Respondent

Case No. 21535

CONSENT ORDER

The Professional Standards Commission orders that the Stipulation, entered between John R. Rhode 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 23 day of September, 2016. The discipline listed in the Stipulation is imposed on John R. Rhode's certificates under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and John R. Rhode has waived the right of judicial review.

IDAHO PROFESSIONAL STANDARDS  
COMMISSION

  
Elisa Saffle, Member



**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:

Thomas J. Lloyd III  
Greener Burke Shoemaker Oberrecht  
P.A.  
950 W. Bannock St., Ste. 950  
Boise, ID 83702

- 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.gottsch@ag.idaho.gov

  
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Shannon H. Haas  
Program Specialist  
Idaho State Department of Education