

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

James K. Stauffer,

Respondent

Case No. 21447

**FINAL ORDER**

The Chief Certification Officer for the State of Idaho filed an Administrative Complaint against the teaching certificate issued to James K. Stauffer, seeking for the Professional Standards Commission to impose discipline on Mr. Stauffer's certificate. *See Idaho Code § 33-1209.* Because Mr. Stauffer did not request a hearing within 30 days, and because Mr. Stauffer was determined to be in default by a hearing/presiding officer, the allegations in the Administrative Complaint are treated as admitted, Idaho Code § 33-1209(3), and are incorporated by reference as findings of fact.

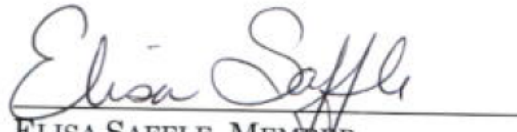
Based on these findings, the Professional Standards Commission concludes that Mr. Stauffer willfully violated a principle of the Code of Ethics adopted by the State Board of Education. Idaho Code § 33-1208(1)(j). The Commission specifically holds that Mr. Stauffer willfully violated Principle II of the Code of Ethics that provides, "A professional educator maintains a professional relationship with all students, both inside and outside the physical and virtual classroom." Idaho Admin. Code r. 08.02.02.076.03.

Under Idaho Code § 33-1208, the Professional Standards Commission orders that the following discipline be imposed on Mr. Stauffer's certificate:

- Mr. Stauffer's teaching certificate is **indefinitely suspended** pending completion of (a) an approved three-credit ethics course *and* (b) an approved three-credit anger management course or participation in counseling.

This Order is effective on the day it is signed. This Order and the Administrative Complaint, which will be attached to this Order, are public records, and may be made available on the State Department of Education or the Commission's website.

DATED this 23 day of September, 2016.



ELISA SAFFLE, MEMBER

Idaho Professional Standards Commission

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 K. Stauffer



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

*Attorney for the  
Chief Certification Officer*  
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

## IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

James K. Stauffer,

Respondent

Case No. 21447

**ADMINISTRATIVE COMPLAINT**

Lisa Colón, Chief Certification Officer for the State of Idaho, alleges the following against James K. Stauffer.

### GENERAL AVERMENTS

The following general averments are adopted in each count below.

1. The Professional Standards Commission (Commission) regulates teacher certification in Idaho.
2. The Chief Certification Officer is empowered to file an administrative complaint against the certificate of a teacher or other individual certified under the authority of the Idaho State Board of Education. Idaho Code § 33-1209.
3. James K. Stauffer (Mr. Stauffer) holds the following certificate and endorsements, issued under the authority of the Idaho State Board of Education:
  - a. Standard Secondary Certificate with History 6-12, Social Studies 6-12, Driver Education, Health 6-12, and P.E. 6-12 Endorsements – effective August 23, 2013 – valid until August 31, 2018.
4. During the relevant time period, Mr. Stauffer was employed by the Salmon River Joint School District No. 243. He worked at Salmon River High School.
5. On or about November 10, 2014, a school day and during school hours on school grounds, a student called Mr. Stauffer an idiot; Mr. Stauffer responded with physical force to temporarily restrain the student on or around the student's shoulder or neck.
6. The school district subsequently obtained a photograph of the student, displaying marks on the student's neck.

## COUNT I


7. Mr. Stauffer's conduct or course of conduct willfully violated a code of ethics principle, adopted by the Idaho State Board of Education. Idaho Code § 33-1208(1)(j). Specifically, Mr. Stauffer 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.").

### REQUEST FOR RELIEF

The Chief Certification Officer requests that the Commission grant the following relief, as permitted under Idaho Code §§ 33-1208 and 33-1209.

1. That if Mr. Stauffer does not request a hearing, the Commission indefinitely suspend Mr. Stauffer's certificate pending completion of (a) an approved three-credit ethics course *and* (b) an approved three-credit anger management course or participation in counseling.
2. That if Mr. Stauffer requests a hearing, a hearing be conducted before a hearing panel, where the Chief Certification Officer and Mr. Stauffer may present evidence concerning the allegations in this Administrative Complaint, to aid the hearing panel in determining whether Mr. Stauffer's certificate should be disciplined and, if so, what discipline should be imposed.
3. Any other relief that would be just under the circumstances.

DATED this 23 day of March, 2016.

  
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LISA COLÓN  
Chief Certification Officer

*Attorney for the  
Chief Certification Officer*  
Brian V. Church  
Deputy Attorney General  
PO Box 83720  
Boise, ID 83720-0010  
(208) 334-2400  
brian.church@ag.idaho.gov

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23 day of March, 2016, I caused to be served a true and correct copy of the foregoing by the following method to:

James K. Stauffer



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

*Attorney for the*  
*Chief Certification Officer*  
Brian V. Church  
Deputy Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

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- Email: brian.church@ag.idaho.gov  
leslie.gottsche@ag.idaho.gov

Shannon H. Haas  
Program Specialist  
Idaho State Department of Education

## NOTIFICATION OF PROCEDURAL RIGHTS

The Professional Standards Commission wishes to notify you of the following rights.

**An administrative action has been initiated against your certificate(s).** Under Idaho Code § 33-1209, if you wish to contest the allegations set forth in the administrative complaint, you must request a hearing. This request must be (1) made not more than 30 days after the date of service (mailing) of the administrative complaint, (2) in writing, and (3) addressed to the state superintendent of public instruction. **If you do not request a hearing or do not comply with the requirements for requesting a hearing, the allegations in this administrative complaint will be treated as admitted under Idaho Code § 33-1209(3).**

In response to this administrative complaint, you may file an answer to this administrative complaint, but you must file the answer at least 30 days prior to the day of the hearing.

You have the right to be represented by legal counsel, at your own expense, during this administrative proceeding. In addition, you are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents, and other things relevant to the proceedings.

This administrative proceeding is governed by provisions of the Idaho Code, including the Idaho Administrative Procedure Act, and by provisions of the Idaho Administrative Code, including the Idaho Rules of Administrative Procedure of the Attorney General that have been adopted by the Board of Education. You may access these laws and rules online or via the Idaho State Law Library.

To request a hearing, you must deliver your request to the following address or fax number:

Sherri Ybarra  
Superintendent of Public Instruction  
Re: Professional Standards Commission Hearing  
650 West State Street, Room 200  
P.O. Box 83720  
Boise, ID 83720-0027  
Telephone: (208) 332-6800  
Facsimile: (208) 334-2228

The State Department of Education receives mailed or hand-delivered documents between the hours of 8:00 a.m. and 5:00 p.m. (mountain time) except Saturdays, Sundays, and holidays. The State Department of Education does permit the filing of facsimile copies of documents that do not exceed ten pages, provided that the facsimile transmission is legible and is received before 5:00 p.m. on its due date. It shall be the responsibility of the filing party to verify with the staff of the State Department of Education that any facsimile transmission is successfully received and legible in its entirety.