IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of: Lisa A. Carriere, Respondent	Case No. 21603 **STIPULATION**

BACKGROUND

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

STIPULATION

1. This is an agreement (Stipulation) between Lisa A. Carriere (Ms. Carriere) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).

2. If Ms. Carriere wishes to agree to this Stipulation, she must sign and return this Stipulation and any attachments to the Commission by 5:00 p.m. (mountain time) on **August 16, 2016**, unless she has been granted an extension.

3. After Ms. Carriere 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. Ms. Carriere holds the following certificate and endorsement:

   a. Pupil Personnel Services Certificate with Speech Language Pathologist Endorsement – effective September 1, 2014 – valid until August 31, 2019.

7. During the relevant times, Ms. Carriere worked for the Vallivue School District No. 139, serving as a speech language pathologist.

8. On or about January 5, 2016, Ms. Carriere was working with student [redacted] at [redacted] when she slapped or otherwise made physical contact with student [redacted] face.

9. Ms. Carriere's slap (or physical contact) left a red mark on student [redacted] face.

10. As a result of this incident, Ms. Carriere was charged with misdemeanor injury to a child, a violation of Idaho Code § 18-1501(1), in *State v. Lisa M. Carriere*, Canyon County District Court (Magistrate Division) Case No. CR-2016-599-C. Following Ms. Carriere's entry of a guilty plea, the court entered a withheld judgment on or about April 29, 2016.

11. The Executive Committee determined that probable cause exists for initiating an administrative action against Ms. Carriere for violating the following laws and rule governing teacher certification:

a. Idaho Code § 33-1208(1)(f) ("Conviction, finding of guilt, withheld judgment or suspended sentence, in this or any other state of a crime involving moral turpitude").[1]

b. 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").

c. 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.").

12. Ms. Carriere, although not admitting that she violated the laws and rule cited in paragraph 11, acknowledges that there is sufficient evidence to support a finding of a violation of the laws and rule cited in paragraph 11.

[1] In *In re Henry*, 15 Idaho 755, ___, 99 P. 1054, 1055 (1909), concerning an attorney disciplinary proceeding where the attorney was alleged to have been convicted of a misdemeanor involving moral turpitude, the Idaho Supreme Court provided the following explanation for a crime involving moral turpitude:

> While it is true that the expression "moral turpitude" is not very accurately and concisely defined, and that the point at which an act begins to take on the color of turpitude is not very definitely marked and pointed out, still there can be no doubt in the mind of a man of ordinary intelligence but that he has long since passed into the confines of "moral turpitude" before he completes an act of larceny. The following general definition has been given by a great many authorities and seems to be approved by all that have considered the question: "Moral turpitude is an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow men, or to society in general, contrary to the accepted and customary rule of right and duty between man and man." Newell on Defamation, Slander & Libel, § 12; 27 Cyc. 912; Bouvier's Law Dictionary; In re Coffey, 123 Cal. 522, 56 Pac. 448; Ex parte Mason, 29 Or. 18, 43 Pac. 651, 54 Am. St. Rep. 772; In re Kirby, 10 S. D. 322, 414, 73 N. W. 92, 907, 39 L. R. A. 856, 859.

B. Stipulated Discipline

13. If this Stipulation is approved by the Commission, the following discipline will be imposed by the Commission on Ms. Carriere's certificate:

a. Ms. Carriere's certificate will be revoked, and Ms. Carriere will be barred from reapplying for an Idaho teaching certificate for two years from the effective date of the consent order.

14. Any costs associated with Ms. Carriere's compliance with the terms of this Stipulation are her responsibility.

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

C. Non-Compliance with this Stipulation

16. If the Commission or the State Department of Education, or its employees or agents, have reason to believe that Ms. Carriere 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 Ms. Carriere at her last known address (or on her attorney). After granting Ms. Carriere an opportunity to respond, the Commission may order that she complete the discipline in the original stipulated discipline, may order further discipline in addition to Ms. Carriere completing the original stipulated discipline, or may impose other discipline as it sees fit, including suspending or revoking Ms. Carriere's certificate.

D. Presentation of this Stipulation

17. Once Ms. Carriere 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.

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

19. If the Commission modifies this Stipulation, it must receive Ms. Carriere's approval on any modification before the Stipulation is effective.

E. Waiver of Rights

20. If this Stipulation is approved by the Commission, Ms. Carriere 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.

21. If this Stipulation is approved by the Commission, the Commission may impose discipline upon Ms. Carriere's certificate without further process.

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

stipulation, and Ms. Carriere has requested a hearing, the 90-day hearing timeframe will begin from the ultimate rejection.

F. General Acknowledgments

23. This Stipulation contains the entire agreement between the parties, and Ms. Carriere is not relying on any other agreement or representation, whether verbal or written.

24. 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.

25. Ms. Carriere agrees that she has read this Stipulation, has had the opportunity to discuss it with legal counsel, if she so chose, and understands that by signing below, she will be agreeing to the terms of this Stipulation.

SIGNATURES

Respondent

The respondent, Lisa A. Carriere, agrees to this Stipulation.

DATED this 28th day of July, 2016.

Lisa A. Carriere

Lisa A. Carriere
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

Charlotte McKinney

CHARLOTTE MCKINNEY, Member

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of: Lisa A. Carriere, Respondent	Case No. 21603 **CONSENT ORDER**

The Professional Standards Commission orders that the Stipulation, entered between Lisa A. Carriere 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 Lisa A. Carriere's certificate under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Lisa A. Carriere has waived the right of judicial review.

IDAHO PROFESSIONAL STANDARDS COMMISSION

Elisa Saffle

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:

Portia L. Rauer
Powers Tolman Farley, PLLC
345 Bobwhite Court, Ste. 150
Boise, ID 83706

- ☒ 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

Shannon H. Haas

Shannon H. Haas
Program Specialist
Idaho State Department of Education