

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Case No. 21626

Larry Gene Choffin,

STIPULATION

Respondent

BACKGROUND

The Professional Standards Commission received an allegation of unethical conduct concerning Larry Gene Choffin. 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 Larry Gene Choffin's certificate. The Executive Committee has recommended the following Stipulation.

STIPULATION

1. This is an agreement (Stipulation) between Larry Gene Choffin (Mr. Choffin) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).
2. If Mr. Choffin 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 **January 4, 2017**, unless he has been granted an extension.
3. After Mr. Choffin 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. Choffin holds the following certificate and endorsements:
- a. Standard Secondary Certificate with Earth Science 6-12 and Physical Education 6-12 Endorsements – effective September 1, 2013 – valid until August 31, 2018.
7. During the relevant time period, Mr. Choffin was employed by the Jefferson Joint School District Number 251, where he served as a teacher at Rigby Middle School.
8. Beginning on or about April 9, 2016, and continuing through or about May 5, 2016, Mr. Choffin and student [REDACTED] exchanged text messages.
9. Beginning or about April 26, 2016, and continuing through or about May 5, 2016, Mr. Choffin and student [REDACTED] exchanged text messages.
10. Student [REDACTED] and Student [REDACTED] are sisters.
11. On information and belief, Students [REDACTED] and [REDACTED] at the relevant times were students at Rigby Middle School.
12. In the text messages sent to Student [REDACTED], Mr. Coffin wrote that student [REDACTED] was “an amazing young lady,” that she was “special,” “gorgeous,” “a keeper,” and that her “hair is really nice.”

13. Mr. Coffin and student [REDACTED] also had the following exchange at one point:

[Choffin]: It's so nice to c u happy
[REDACTED]: Haha ;)
[Choffin]: I c that smile right now it's so cute
[REDACTED]: Aw thanks
[Choffin]: Or that smirk u do
[REDACTED]: Haha
[Choffin]: How about Yur laugh
[REDACTED]: Haha ya
[Choffin]: I visualize that I love that
[REDACTED]: Thanks
[Choffin]: U make me happy
[REDACTED]: You make me happy
[Choffin]: Really
[Choffin]: Now I'm going to cry
[REDACTED]: Awe don't do that
[Choffin]: Someday so just want to hug u to let u know everything is ok
[REDACTED]: Okay :)
[Choffin]: Okay what
[REDACTED]: It will happen someday
[Choffin]: I will give u that smirk more often
[REDACTED]: Haha okay
[Choffin]: What r we going to do when summer comes

14. At another time, Mr. Choffin and [REDACTED] had the following exchange:

[Choffin]: I Love sharing my lunch with u
[REDACTED]: Haha me too
[Choffin]: I feel so comfortable u sitting by me
[REDACTED]: Haha
[Choffin]: Like I can share things with u
[REDACTED]: Ya me to
[Choffin]: I hope that ain't weird
[REDACTED]: No.

15. With student [REDACTED], Mr. Choffin wrote, "Let's go to a movie he," and that maybe he could "take you going fishing."

16. Mr. Choffin also wrote student [REDACTED], “Oh you’re funny oh you’re so funny I’m at the squeeze you,” “Spank you,” “Slap you,” “U r cute silly girl,” “Love you too,” “Love you too” (again), “Love you more,” and “Love you even more.”

17. At one point, Student [REDACTED] wrote, “I hate my life I want to live with u,” and Mr. Choffin responded “I’m really sorry I’ll take you in a heartbeat probably need a hug.”

18. Mr. Coffin and student [REDACTED] also had the following exchange after learning student [REDACTED] was in class:

[Choffin]: You’re in English what are you doing don’t get in trouble
[REDACTED]: Nothing I just can’t have my phone out
[Choffin]: Don’t get caught
[REDACTED]: Then don’t text me during my class bad boy [blue and green heart emoji]
[Choffin]: I can’t help it
[REDACTED]: Get counseling
[Choffin]: Shame on u yur suppose to like me

19. The Executive Committee determined that probable cause exists for initiating an administrative action against Mr. Choffin 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 physical and virtual classroom.”).

20. Mr. Choffin, although not admitting that he violated the law and rule cited in paragraph 19, acknowledges that there is sufficient evidence to support a finding of a violation of the law and rule cited in paragraph 19.

B. Stipulated Discipline

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

- a. Mr. Choffin's certificate will be indefinitely suspended pending completion of (a) an approved three-credit ethics courses *and* (b) an approved professional boundaries course, neither of which will count towards renewal of Mr. Choffin's certificate.

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

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

C. Presentation of this Stipulation

24. Once Mr. Choffin 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.

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

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

D. Waiver of Rights

27. If this Stipulation is approved by the Commission, Mr. Choffin 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.

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

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

E. General Acknowledgments

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

31. 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

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Stipulation, consent order, and any attachment, and may report any discipline to the national clearinghouse for teacher certification.

32. Mr. Choffin 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, Larry Gene Choffin, agrees to this Stipulation.

DATED this 15 day of December, 2016.

Larry Gene Choffin
Larry Gene Choffin
Respondent

Executive Committee

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

DATED this 20 day of January, 2017.

IDAHO PROFESSIONAL STANDARDS
COMMISSION EXECUTIVE COMMITTEE

Charlene McKinnon
Charlene McKinnon, Member

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Larry Gene Choffin,

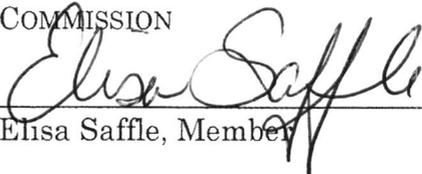
Respondent

Case No. 21626

CONSENT ORDER

The Professional Standards Commission orders that the Stipulation, entered between Larry Gene Choffin 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 19 day of January, 2017. The discipline listed in the Stipulation is imposed on Larry Gene Choffin's certificate under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Larry Gene Choffin has waived the right of reconsideration and the right to judicial review.

IDAHO PROFESSIONAL STANDARDS
COMMISSION


Elisa Saffle, Member

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20 day of January, 2017, I caused to be served a true and correct copy of the foregoing by the following method to:

Larry Gene Choffin



- 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
Program Specialist
Idaho State Department of Education