IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of: Case No. 21612

John Mark Johnson, Jr.,
Respondent

The Chief Certification Officer for the State of Idaho filed an Administrative Complaint against the teaching certificate issued to John Mark Johnson, Jr., seeking for the Professional Standards Commission to impose discipline on Mr. Johnson's certificate. See Idaho Code § 33-1209. Because Mr. Johnson did not request a hearing within 30 days, and because Mr. Johnson 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. Johnson 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. Johnson 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.

Final Order – 1
John Mark Johnson, Jr.
Under Idaho Code § 33-1208, the Professional Standards Commission orders that the following discipline (as marked) be imposed on Mr. Johnson’s certificate.

As requested in the Administrative Complaint
✓ The discipline requested by the Chief Certification Officer in her Request for Relief in the Administrative Complaint.

Other discipline
Mr. Johnson’s certificate is revoked.

Mr. Johnson’s certificate is permanently revoked under Idaho Code § 33-1208(2).

Mr. Johnson’s certificate is suspended for _____ years _____ months

Mr. Johnson’s certificate is suspended indefinitely pending completion of the following conditions:
1. _____________________________
2. _____________________________
3. _____________________________
4. _____________________________

Mr. Johnson’s certificate has the following conditions placed upon it.
1. _____________________________
2. _____________________________
3. _____________________________
4. _____________________________

A letter of reprimand will be placed in Mr. Johnson’s permanent certification file.

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 19 day of January, 2017.

[Signature]
ELISA SAFFLE, MEMBER
Idaho Professional Standards Commission

Final Order – 2
John Mark Johnson, Jr.
RECONSIDERATION AND JUDICIAL REVIEW

This is a final order of the Professional Standards Commission. Any party may file a motion for reconsideration of this order within 14 days of the service date of this order. The agency will dispose of the petition for reconsideration within 21 days of its receipt; if not, the petition will be denied as a matter of law. See Idaho Code § 67-5246. Petitions for reconsideration may be filed by mail addressed to the Professional Standards Commission, State Department of Education, PO Box 83720, Boise, ID 83720-0027, or hand delivered to the Commission at 650 West State Street, Second Floor, Boise, ID 83720.

Any party aggrieved by this final order or orders previously issued in this case may seek judicial review of the orders in this case in district court. A party may do this by filing a petition for judicial review in the district court as provided in Idaho Code §§ 67-5270 and 67-5272. The petition must be filed within 28 days of the service date of this final order; or, if a motion for reconsideration is filed, within 28 days of the service of a decision on the motion for reconsideration or denial of the motion as a matter of law. Idaho Code § 67-5273. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of the agency action. Idaho Code § 67-5274.
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23 day of January 2017, I caused to be served a true and correct copy of the foregoing by the following method to:

John Mark Johnson, Jr.
475 Calico St.
Hansen, ID 83334

U.S. Mail
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
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

Final Order - 4
John Mark Johnson, Jr.
IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of: John Mark Johnson, Jr., Respondent

Case No. 21612

ADMINISTRATIVE COMPLAINT

Lisa Colón, Chief Certification Officer for the State of Idaho, alleges the following against John Mark Johnson, Jr.

GENERAL AVERMENTS

The following general averments are adopted in each count below.


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. John Mark Johnson, Jr. (Mr. Johnson) holds the following certificate and endorsements, issued under the authority of the Idaho State Board of Education:

4. During the relevant times, Mr. Johnson was employed by Blackfoot School District No. 55.

5. On or about December 1, 2015, Mr. Johnson was teaching in his classroom when a male student put his head down on his desk.
6. Mr. Johnson approached the male student's desk and first lifted the desk before pushing the desk down or letting the desk fall.

7. Although this event garnered the student's attention, the student again laid his down on the desk, and Mr. Johnson lifted the desk a second time.

8. As a result of Mr. Johnson lifting the desk a second time, the student and desk toppled backward to the floor.

COUNT I

9. Mr. Johnson'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. Johnson 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. Johnson does not request a hearing, the Commission indefinitely suspend Mr. Johnson's teaching certificate, pending completion of the following: (a) an approved three-credit ethics course that will not count toward the required professional development credits; (b) an approved three-credit classroom management course that will not count toward the required professional development credits; (c) an approved three-credit anger management course, which

ADMINISTRATIVE COMPLAINT - 2
John Mark Johnson, Jr.
is verified by signature from a licensed counselor, that will not count toward the required professional development credits; (d) a three-to-five page, double spaced reflection paper on what he learned from the anger and classroom management courses and how he will handle a similar situation as he encountered next time.

2. That if Mr. Johnson requests a hearing, a hearing be conducted before a hearing panel, where the Chief Certification Officer and Mr. Johnson may present evidence concerning the allegations in this Administrative Complaint, to aid the hearing panel in determining whether Mr. Johnson'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 25 day of July, 2016.

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 25 day of July, 2016, I caused to be served a true and correct copy of the foregoing by the following method to:

John Mark Johnson, Jr.

☐ 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.gottschi@ag.idaho.gov

Shannon H. Haas
Program Specialist
Idaho State Department of Education

ADMINISTRATIVE COMPLAINT - 4
John Mark Johnson, Jr.
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.