

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Laureen A. Kinnaman,

Respondent

Case Nos. 21629 and 21720

STIPULATION

BACKGROUND

This is a stipulation to resolve two Professional Standards Commission cases involving Laureen A. Kinnaman. Following separate investigations, the Executive Committee of the Professional Standards Commission reviewed the information before it and determined that probable cause existed for initiating an administrative action against Laureen A. Kinnaman's certificate in both cases. The Executive Committee has recommended the following Stipulation.

STIPULATION

1. This is an agreement (Stipulation) between Laureen A. Kinnaman (Ms. Kinnaman) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).
2. If Ms. Kinnaman 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 **January 19, 2018**, unless she has been granted an extension.
3. After Ms. Kinnaman 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. Kinnaman holds the following certificate and endorsements:
 - a. (current) Standard Secondary Certificate with Natural Science 6-12, Biological Science 6-12, and Physical Education K-12 Endorsements – effective September 1, 2017 – valid until August 1, 2022.
 - b. (past) Standard Secondary Certificate with Natural Science 6-12, Biological Science 6-12, and Physical Education K-12 Endorsements – effective September 1, 2012 – valid until August 1, 2017.
7. During the relevant time period for case numbers 21629 and 21720, Ms. Kinnaman was employed by the Pocatello Chubbuck School District No. 25, and worked at Irving Middle School.

Case Number 21629

8. On or about September 21, 2016, Ms. Kinnaman was tasked with running a school-sponsored cross-country meet.
9. On the day of the cross-country meet, and immediately prior to the event, Ms. Kinnaman was under the influence of alcohol such that her ability to function was impaired.
10. Ms. Kinnaman, later that day, admitted to school district staff that she had consumed alcohol while setting-up the cross-country meet.
11. On February 22, 2017, the Chief Certification Officer filed and served an administrative complaint on Ms. Kinnaman for her September 2016 conduct.

Case Number 21720

12. On or about August 9, 2017, Ms. Kinnaman was tasked with providing information about the cross-country program to parents and students during student registration, which was occurring that day at Irving.

STIPULATION – 2

Laureen A. Kinnaman – January 8, 2018

13. During the afternoon of registration and while at Irving Middle School, Ms. Kinnaman was under the influence of alcohol such that her ability to function was impaired.
14. Ms. Kinnaman admitted to school district staff that she had been drinking that day, but indicated she had drunk in the car and not in her classroom.
15. Ms. Kinnaman also admitted to school district staff that they would find cans of Mike's Hard Lemonade in her room, claiming she intended to recycle them.
16. A search of Ms. Kinnaman's classroom on August 9, 2017, revealed at least two empty cans of Mike's Hard Lemonade.

For Both Cases

17. In case number 21629 and in case number 21720, the Executive Committee determined that probable cause exists for initiating an administrative action against Ms. Kinnaman 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 III (Idaho Admin. Code r. 08.02.02.076.04) ("A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice.").
18. Ms. Kinnaman, although not admitting that she violated the law and rule cited in paragraph 17, acknowledges that there is sufficient evidence to support a finding of a violation of the law and rule cited in paragraph 17, in each case.

B. Stipulated Discipline

19. If this Stipulation is approved by the Commission, the following discipline will be imposed by the Commission on Ms. Kinnaman's certificate, resolving both cases:
 - a. Ms. Kinnaman's certificate will be indefinitely suspended, to be followed by a 3-year probationary period after the date the suspension is lifted. The standard drug and alcohol conditions, attached to this stipulation as an addendum, apply during the suspension and probationary period. During the suspension and probationary period, Ms. Kinnaman will complete

random urinalysis (UA) testing, in accordance with the parameters of the standard drug and alcohol conditions.

The suspension will be lifted by Chief Certification Officer when Ms. Kinnaman provides or causes to be provided to the Commission a sufficient number of "clean UA results" to demonstrate 24 months of *continuous* sobriety, with no "positive UA results" in that 24-month period. (The terms clean UA result and positive UA result are defined in the standard drug and alcohol conditions.) That is, Ms. Kinnaman must provide clean UA results over a continuous 24-month period, following the effective date of this stipulation, without any positive UA result during the 24-month period. Any positive UA result during a 24-month period will cause the 24-month requirement to re-start upon the next clean UA result.

20. Any costs associated with Ms. Kinnaman's compliance with the terms of this Stipulation are her responsibility.
21. During the pendency of this Stipulation, Ms. Kinnaman will comply with all laws and rules governing teacher certification in Idaho.

C. Presentation of this Stipulation

22. Once Ms. Kinnaman 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.
23. The Commission may accept, reject, or modify the Stipulation.
24. If the Commission modifies this Stipulation, it must receive Ms. Kinnaman's approval on any modification before the Stipulation is effective.

D. Waiver of Rights

25. If this Stipulation is approved by the Commission, Ms. Kinnaman 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.

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

27. By signing this Stipulation, Ms. Kinnaman 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, even if it ultimately rejects this Stipulation or even if Ms. Kinnaman ultimately rejects a modified stipulation. If the Commission ultimately rejects this Stipulation or if Ms. Kinnaman ultimately rejects a modified stipulation, and Ms. Kinnaman has requested a hearing, the 90-day hearing timeframe will begin from the ultimate rejection.

E. General Acknowledgments

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

29. This Stipulation, if approved by the Commission, or modified and approved, resolves two contested cases. 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.

30. Ms. Kinnaman 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.

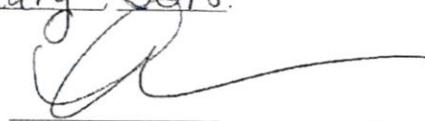
31. Under Idaho Code § 33-1209, the failure to complete any condition imposed as discipline on Ms. Kinnaman's certificate by the Commission may require the Chief Certification Officer to deny a future application, whether for a new certificate, endorsement, or renewal.

SIGNATURES

Respondent

The respondent, Laureen A. Kinnaman, agrees to this Stipulation.

DATED this 16th day of January, 2018.



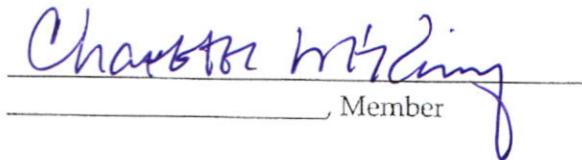
Laureen A. Kinnaman
Respondent

Executive Committee

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

DATED this 26 day of Jan, 2018

IDAHO PROFESSIONAL STANDARDS COMMISSION
EXECUTIVE COMMITTEE



_____, Member

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Laureen A. Kinnaman,

Respondent

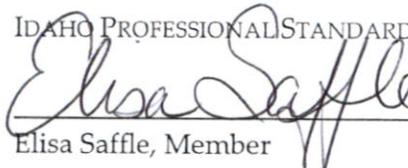
Case Nos. 21629 and 21720

CONSENT ORDER

The Professional Standards Commission orders that the Stipulation, entered between Laureen A. Kinnaman and the Executive Committee, is adopted as the informal disposition of these cases, as permitted under Idaho Code § 67-5241. This order will be effective on the date it is signed. The discipline listed in the Stipulation is imposed on Laureen A. Kinnaman's certificate under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Laureen A. Kinnaman has waived the right of reconsideration and the right to judicial review.

Dated this 26 day of January, 2018.

IDAHO PROFESSIONAL STANDARDS COMMISSION


Elisa Saffle, Member

CONSENT ORDER- 1

Laureen A. Kinnaman – January 8, 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26 day of January, 2018 I caused to be served a true and correct copy of the foregoing by the following method to:

Paul J. Stark
General Counsel
Idaho Education Association
620 North Sixth Street
Boise, ID 83701

- 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.gottsche@ag.idaho.gov



Shannon H. Haas
Program Specialist
Idaho State Department of Education

STANDARD DRUG AND ALCOHOL CONDITIONS – ADDENDUM

The following standard drug and alcohol conditions apply to Lauren A. Kinnaman (Ms. Kinnaman).

1. **Medical release.** Within 30 days of the effective date of this Stipulation, Ms. Kinnaman will submit to the Commission a copy of a signed medical release form, as prepared by the Commission and attached to this Stipulation. A signed copy of it must be given to her primary medical provider and to the urinalysis testing provider.
2. **Drug and alcohol evaluation.** Within 30 days of the effective date of this Stipulation, Ms. Kinnaman will complete a comprehensive drug and alcohol evaluation.¹ After completing the evaluation, she will submit a copy of that evaluation to her primary medical provider within 30 days of the date of the evaluation.
3. **Active recovery program.** Within 30 days of the effective date of this Stipulation, Ms. Kinnaman will enroll in an active recovery program, such as Alcoholics Anonymous, and she will participate in that program throughout the period of her suspension. Ms. Kinnaman will confirm to the satisfaction of her primary medical provider that she is participating in an active recovery program.
4. **Drug and alcohol testing.** Ms. Kinnaman will participate in random urinalysis (UA) testing.
 - a. Ms. Kinnaman will enroll and participate in the Professional Health Monitoring testing program run by FirstSource Solutions (FSSolutions), or a Commission-approved alternative program, within 30 days of this Stipulation's effective date, unless she can provide documentation that a sufficient number of random UA tests are already being conducted by a medical provider or other facility as part of her treatment plan, and that the results will be made available to the Commission.
 - b. During the period of suspension, Ms. Kinnaman must complete random UA tests at least bi-monthly (once every two months).

¹ One source for finding a drug and alcohol evaluator is the Idaho Department of Health and Welfare's list of DUI evaluators. The phone number for this program is (208) 334-6506, and the website is: <http://healthandwelfare.idaho.gov/Medical/SubstanceUseDisorders/FindTreatment/tabid/382/Default.aspx>

- c. During the probationary period, Ms. Kinnaman must complete random UA tests at least once a quarter (once every three months).
- d. The results of the UAs must be negative for alcohol or any other drug that is not prescribed by a medical provider with whom Ms. Kinnaman has an established patient-provider relationship. A UA result that satisfies this standard is a "clean UA result." If a UA test is positive for any properly prescribed drug, the level must not exceed the prescribed dosage. Any UA result that fails to comply with the preceding standards is a "positive UA result." For example, a UA test result with alcohol present is a positive UA result, but so is a UA test result that reflects a higher-than-prescribed dosage of a drug.
- e. A positive UA result also means: an insufficient UA sample, or a tampered UA sample, or a refusal to submit to or complete a requested UA test.

5. **Medical provider and status reports.** Ms. Kinnaman will establish a provider-patient relationship with a primary medical provider, who is tasked with ensuring Ms. Kinnaman's care and treatment of at least Ms. Kinnaman's drug or alcohol issue; she will do so within 30 days of the effective date of this Stipulation, if she does not already have one. Ms. Kinnaman will maintain a provider-patient relationship with a primary medical provider throughout the period of her suspension.

Ms. Kinnaman will provide a copy of this Standard Drug and Alcohol Conditions – Addendum to her primary medical provider within 30 days of the effective date of this Stipulation. Ms. Kinnaman will work with and ensure that her primary medical provider submits status reports to the Commission *every six months*, following the effective date of this Stipulation, *until* Ms. Kinnaman's indefinite suspension is lifted.

- a. **Each status report:** each status report must confirm that Ms. Kinnaman is under the care of the provider and confirm that Ms. Kinnaman is participating in an active recovery program.
- b. **First status report:** the first status report must also confirm that Ms. Kinnaman has submitted a drug and alcohol evaluation to the provider.
- c. **Final status report:** the final status report must also confirm that the provider and Ms. Kinnaman have developed and discussed an exit treatment plan for her to follow, after the suspension is lifted.



STATE OF IDAHO
PROFESSIONAL STANDARDS COMMISSION
STATE DEPARTMENT OF EDUCATION
PO BOX 83720
BOISE, IDAHO 83720-0027

650 W State Street
(208) 332-6882
(208) 334-2228
(800) 377-3929

RE: Lauren A. Kinnaman
Professional Standards Commission Case No. 21629 and 21720

MEDICAL RELEASE

Authorization

I, Lauren A. Kinnaman, authorize the provider (or covered entity) to whom I submit this form to discuss and release health information to the staff of the Idaho Professional Standards Commission, an agency of the State of Idaho. The address, telephone and fax number of that entity are:

Professional Standards Commission
650 West State Street, 2nd Floor
P.O. Box 83720
Boise, ID 83720-0027
Telephone: (208) 332-6882
Facsimile: (208) 334-2228

Purpose

The purpose of this medical release is to comply with a stipulated agreement that was adopted by an order of the Professional Standards Commission, which regulates teacher certification in the State of Idaho.

Health information

The health information that I authorize the provider (or covered entity) to discuss and release includes the following information: (a) the results and notes for drug and alcohol evaluations; (b) the results of random urinalysis testing; (c) medical status reports concerning drug or alcohol use or abuse; (d) medical exit treatment plans; (e) documentation concerning active recovery, such as documentation of attendance at a twelve-step program, an endorsement from the twelve-step sponsor, and evidence of completion of a relapse prevention plan; (f) information pertaining to a relapse or improper use of drugs or alcohol before the termination or revocation of this release.

I understand that the information I am authorizing to be released may include information concerning drug or alcohol abuse, diagnosis, or treatment.

I authorize the release of health information that was captured, documented, or otherwise created on or after January 1, 2016, until the termination or revocation of this authorization.



STATE OF IDAHO
PROFESSIONAL STANDARDS COMMISSION
STATE DEPARTMENT OF EDUCATION
PO BOX 83720
BOISE, IDAHO 83726-0027

650 W State Street
(208) 332-6884
(208) 334-2278
(800) 327-3529

RE: Lauren A. Kinnaman
Professional Standards Commission Case No. 21629 and 21720

MEDICAL RELEASE (CONTINUED)

Expiration date or revocation

This authorization is subject to revocation at any time, except to the extent that the program that is to make the disclosure has already taken action in reliance on it. In order to revoke this authorization, Lauren A. Kinnaman must revoke the authorization in writing, and that writing must be signed by Lauren A. Kinnaman and delivered to the Professional Standards Commission. The revocation will be effective upon the Professional Standards Commission's receipt of the revocation. If not previously revoked, this authorization will terminate upon the successful completion of both Lauren A. Kinnaman's ordered suspension *and* ordered probation, for Professional Standards Commission Case No. 21629 and 21720.

Required notice

Federal regulations implementing the Health Insurance Portability and Accountability Act of 1996 or regulations implementing the Public Health Service Act require the Professional Standards Commission to provide certain notices to the individual authorizing the release of health information. The individual's enrollment in a health plan, eligibility for benefits, treatment, or payment, may not be conditioned upon the individual's authorization of this disclosure. Any information disclosed as a result of this authorization may be subject to re-disclosure by the recipient and may no longer be protected by law.

DATED this 16th day of January, 2018.


Lauren A. Kinnaman