

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Case No. 21432

Justin Stewart Noa,

STIPULATION

Respondent

BACKGROUND

The Professional Standards Commission received an allegation of unethical conduct concerning Justin Stewart Noa. 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 Justin Stewart Noa's certificate. The Executive Committee has recommended the following Stipulation.

STIPULATION

1. This is an agreement (Stipulation) between Justin Stewart Noa (Mr. Noa) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).
2. If Mr. Noa 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 February 27, 2017, unless he has been granted an extension.
3. After Mr. Noa 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. Noa holds the following certificate and endorsements:
- a. (current) Standard Secondary Certificate with History 6-12 and Mathematics 6-12 Endorsements – effective September 1, 2016 – valid until August 31, 2021.
 - b. (past) Standard Secondary Certificate with History 6-12 and Mathematics 6-12 Endorsements – effective September 1, 2011 – valid until August 31, 2016.
7. On or about June 30, 2014, Mr. Noa entered into a teacher's contract with Nampa School District No. 131 to serve as a teacher for the 2014-2015 school year.
8. In or about the month of August 2014, Mr. Noa provided the school district with a letter that stated, in part, "I unequivocally resign as my role as teacher."
9. In that letter, Mr. Noa also requested to be released from his contract.
10. On or about August 13, 2014, Mr. Noa did not report for his teaching assignment.
11. On or about September 9, 2014, the school district informed Mr. Noa that the school board did not approve a release from his contract.
12. Mr. Noa thus breached his teaching contract.

13. The Executive Committee determined that probable cause exists for initiating an administrative action against Mr. Noa for violating the following laws and rules governing teacher certification:

- a. Idaho Code § 33-1208(1)(c) ("Breach of the teaching contract");
- 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 VIII – Breach of Contract or Abandonment of Employment (Idaho Admin. Code r. 08.02.02.076.09) ("A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract.").

14. Mr. Noa, although not admitting that he violated the laws and rules cited in paragraph 13, acknowledges that there is sufficient evidence to support a finding of a violation of the laws and rules cited in paragraph 13.

B. Stipulated Discipline

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

- a. A letter of reprimand will be placed in Mr. Noa's permanent certification file; a draft of that letter of reprimand is attached to this stipulation.

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

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

C. Presentation of this Stipulation

18. Once Mr. Noa 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.

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

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

D. Waiver of Rights

21. If this Stipulation is approved by the Commission, Mr. Noa 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.

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

23. By signing this Stipulation, Mr. Noa 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. Noa ultimately rejects a modified stipulation (if Mr. Noa does). If the Commission

ultimately rejects this Stipulation or if Mr. Noa ultimately rejects a modified stipulation, and Mr. Noa has requested a hearing, the 90-day hearing timeframe will begin from the ultimate rejection.

E. General Acknowledgments

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

25. 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.

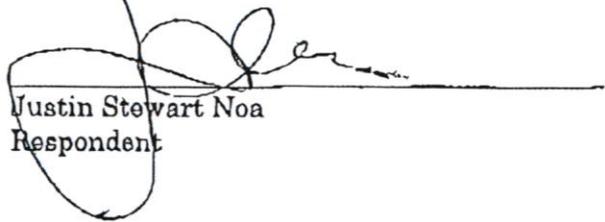
26. Mr. Noa agrees that he has read this Stipulation, has had the opportunity to discuss it with legal counsel, if he so chose, and understands that by signing below, he will be agreeing to the terms of this Stipulation.

SIGNATURES

Respondent

The respondent, Justin Stewart Noa, agrees to this Stipulation.

DATED this 27 day of FEBRUARY, 2017.



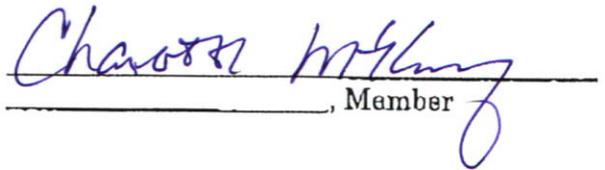
Justin Stewart Noa
Respondent

Executive Committee

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

DATED this 31st day of March.

IDAHO PROFESSIONAL STANDARDS
COMMISSION EXECUTIVE COMMITTEE



_____, Member



STATE OF IDAHO
PROFESSIONAL STANDARDS COMMISSION
STATE DEPARTMENT OF EDUCATION
PO BOX 63720
BOISE, IDAHO 83720-0027

650 W State Street
(208) 332-6884
(208) 334-2228
(800) 377-3529

RE: Justin Stewart Noa
Professional Standards Commission Case No. 21432

LETTER OF REPRIMAND

The Professional Standards Commission issues a formal reprimand to Justin Stewart Noa (Mr. Noa).

On or about June 30, 2014, Mr. Noa entered into a teacher's contract with Nampa School District No. 131 to serve as a teacher for the 2014-2015 school year. In or about the month of August 2014, Mr. Noa provided the school district with a letter that stated, in part, "I unequivocally resign as my role as teacher." In that letter, Mr. Noa also requested to be released from his contract. On or about August 13, 2014, Mr. Noa did not report for his teaching assignment. On or about September 9, 2014, the school district informed Mr. Noa that the school board did not approve a release from his contract. Mr. Noa thus breached his teaching contract.

Mr. Noa, although not admitting that he violated the following laws and rules governing teacher certification, acknowledges that there is sufficient evidence to support a finding of a violation of the following laws and rules governing teacher certification:

- a. Idaho Code § 33-1208(1)(c) ("Breach of the teaching contract");
- 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 VIII – Breach of Contract or Abandonment of Employment (Idaho Admin. Code r. 08.02.02.076.09) ("A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract.").

A copy of this letter of reprimand will be placed in Mr. Noa's certification file.

Dated this 31st day of March, 2017.

IDAHO PROFESSIONAL STANDARDS COMMISSION

Elisa Saffle
Elisa Saffle, Member

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Justin Stewart Noa,

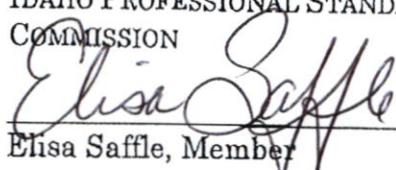
Respondent

Case No. 21432

CONSENT ORDER

The Professional Standards Commission orders that the Stipulation, entered between Justin Stewart Noa 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 31st day of March 2017. The discipline listed in the Stipulation is imposed on Justin Stewart Noa's certificate under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Justin Stewart Noa 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 3 day of April, 2017, I caused to be served a true and correct copy of the foregoing by the following method to:

Renee Karel
Susan Lynn Mimura & Associates,
PLLC
3451 E. Copper Point Drive, Ste. 106
Meridian, ID 83642

- 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