IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:  
Christopher Heib,  
Respondent

Case No. 21636

FINAL ORDER

The Chief Certification Officer for the State of Idaho filed an Administrative Complaint against the teaching certificate issued to Christopher Heib, seeking for the Professional Standards Commission to impose discipline on Mr. Heib’s certificate. See Idaho Code § 33-1209. Because Mr. Heib did not request a hearing within 30 days, and because Mr. Heib 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. Heib willfully violated principles of the Code of Ethics adopted by the State Board of Education. Idaho Code § 33-1208(1)(j). The Commission specifically holds that Mr. Heib willfully violated Principle II, which provides that “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.)

Under Idaho Code § 33-1208, the Professional Standards Commission orders that the following discipline (as marked) be imposed on Mr. Heib’s certificate:

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Final Order – 1
Christopher Heib
As requested in the Administrative Complaint

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

Other discipline

____ Mr. Heib's certificate is revoked

____ Mr. Heib's certificate is permanently revoked under Idaho Code § 33-1208(2).

____ Mr. Heib's certificate is suspended for _____ years _____ months

____ Mr. Heib's certificate is suspended indefinitely pending completion of the following conditions:
   1. ____________________________________________________________
   2. ____________________________________________________________
   3. ____________________________________________________________
   4. ____________________________________________________________

____ Mr. Heib's certificate has the following conditions placed upon it:
   1. ____________________________________________________________
   2. ____________________________________________________________
   3. ____________________________________________________________
   4. ____________________________________________________________

____ A letter of reprimand will be placed in Mr. Heib'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.

Final Order – 2
Christopher Heib
DATED this 14 day of April, 2018.

ELISA SAFFLE, MEMBER
Idaho Professional Standards Commission

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, P. O. 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 14
day of April, 2018, I caused to be served a true and
correct copy of the foregoing by the following method to:

Christopher Heib
60 Ashley Avenue
Driggs, ID 83422

☐ U.S. Mail
☐ Hand Delivery
☐ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile:
☐ Email:

Attorney for the
Chief Certification Officer
Robert A. Berry
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: robert.berry@ag.idaho.gov
          leslie.gottschi@ag.idaho.gov

Shannon H. Harris
Program Specialist
Idaho State Department of Education

Annette Schwab

Final Order – 4
Christopher Heib
IDaho professional Standards commission

In the Matter of the Certificate of:

Christopher Heib,
Respondent.

Case No. 21636

DEFAULT ORDER

TO: Christopher Heib
60 Ashley Avenue
Driggs, ID 83422

This matter having come before the Idaho Professional Standards Commission by way of formal Administrative Complaint, pursuant to Idaho Code § 33-1208, and Respondent having failed to contest or otherwise respond to the Administrative Complaint; now, therefore,

IT IS ORDERED that, pursuant to Idaho Code § 67-5242(4) and IDAPA 04.11.01.270 and 700-702, Respondent is in DEFAULT.

DATED this 21st day of March, 2018.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

Michael S. Gilmore
Presiding Officer

COPY
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of March, 2018, I caused to be served a true and correct copy of the foregoing by the following method to:

Christopher Heib
60 Ashley Avenue
Driggs, ID 83422

☐ U.S. Mail
☐ Hand Delivery
☒ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile:

Robert A. Berry
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

☐ U.S. Mail
☐ Hand Delivery
☐ Certified Mail, Return Receipt Requested
☐ Facsimile:
☒ Email: robert.berry@ag.idaho.gov
         leslie.gottsch@ag.idaho.gov

Lisa Colón-Durham
Chief Certification Officer
Idaho State Department of Education
Professional Standards Commission
P.O. Box 83720
Boise, ID 83720-0027

☐ U.S. Mail
☐ Hand Delivery
☐ Certified Mail, Return Receipt Requested
☐ Facsimile:
☒ Statehouse Mail

Michael S. Gilmore
Presiding Officer
IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of: Case No. 21636

Christopher Heib,
Respondent.

Lisa Colón Durham, Chief Certification Officer for the State of Idaho, alleges the following against Christopher Heib.

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. Christopher Heib (Mr. Heib) holds the following certificate and endorsements issued under the authority of the Idaho State Board of Education:


4. Mr. Heib was employed as a substitute teacher at Teton Middle School in the Teton School District 401 in the spring of the 2015-2016 school year.

5. On or about March 11-14, 2016, while acting as a substitute teacher at Teton Middle School, Mr. Heib, did actually, intentionally and unlawfully touch another person against her will,
namely a juvenile of the age of thirteen (13) years of age (hereinafter “Child Victim Number One”) by gripping her buttocks, touching her stomach, thigh and buttocks with his hand.

6. On or about March 11, 2016, while acting as a substitute teacher at Teton Middle School, Mr. Heib, did actually, intentionally and unlawfully touch another person against her will, namely a juvenile of the age of thirteen (13) years of age (hereinafter “Child Victim Number Two”) by grabbing her hip and/or rubbing her shoulders.

7. On or about June 12, 2017, a Second Amended Criminal Complaint was filed against Mr. Heib based upon the allegations in paragraphs 5 and 6, charging Mr. Heib with two counts of misdemeanor battery in violation of Idaho Code § 18-903(b). A true and correct copy of the Second Amended Criminal Complaint in Case No. CR-2017-010, in the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Teton, Magistrate Division is attached as Exhibit A.

8. On or about June 26, 2017, Mr. Heib pleaded guilty to the two misdemeanor counts. A true and correct copy of the guilty pleas in the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Teton, Magistrate Division is attached as Exhibit B.

COUNT I

9. Mr. Heib’s conduct or course of conduct against Student Victim One detailed above violated Idaho Code § 33-1208(1)(j). Specifically, Mr. Heib 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.”).

///

Christopher Heib
COUNT II

10. Mr. Heib’s conduct or course of conduct against Student Victim Two detailed above violated Idaho Code § 33-1208(1)(j). Specifically, Mr. Heib 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. Heib does not request a hearing, the Commission revoke Mr. Heib’s teaching certificate.

2. That if Mr. Heib requests a hearing, a hearing be conducted before a hearing panel, where the Chief Certification Officer and Mr. Heib may present evidence concerning the allegations in this Administrative Complaint, to aid the hearing panel in determining whether Mr. Heib’s certificates should be disciplined and, if so, what discipline should be imposed.

3. Any other relief that would be just under the circumstances.

DATED this 13 day of October, 2017.

Lisa Colón Durham
Chief Certification Officer

Attorney for the
Chief Certification Officer
Robert A. Berry
Deputy Attorney General

ADMINISTRATIVE COMPLAINT - 3
Christopher Heib
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of October, 2017, I caused to be served a true and correct copy of the foregoing by the following method to:

Christopher Heib
60 Ashley Avenue
Driggs, ID 83422

Robert A. Berry
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

Shannon H. Haas
Program Specialist
Idaho State Department of Education

Christopher Heib
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 permits 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.