IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:                                         Case No. 21713

Karen Scott,

Respondent

FINAL ORDER

The Chief Certification Officer for the State of Idaho filed an Administrative Complaint against the teaching certificate issued to Karen Scott, seeking for the Professional Standards Commission to impose discipline on Ms. Scott's certificate. See Idaho Code § 33-1209. Because Ms. Scott did not request a hearing within 30 days, and because Ms. Scott 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 Ms. Scott 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 Ms. Scott willfully violated Principle II and IV of the Code of Ethics. Principle II 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.) Principle IV provides that "A professional educator exemplifies honesty and integrity in the course of professional practice." (Idaho Admin. Code r. 08.02.02.076.05.) Further, the Commission finds that Ms. Scott's conduct violated Idaho Code § 33-1208(d), which prohibits a teacher from "Making any material statement of fact in the application for a certificate, which the applicant knows to be false."

Final Order – 1
Karen Scott
Under Idaho Code § 33-1208, the Professional Standards Commission orders that the following discipline (as marked) be imposed on Ms. Scott’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**

- Ms. Scott’s certificate is revoked
- Ms. Scott’s certificate is permanently revoked under Idaho Code § 33-1208(2).
- Ms. Scott’s certificate is suspended for _____ years _____ months
- Ms. Scott’s certificate is suspended indefinitely pending completion of the following conditions:
  1. ___________________________________________________________
  2. ___________________________________________________________
  3. ___________________________________________________________
  4. ___________________________________________________________

- Ms. Scott’s certificate has the following conditions placed upon it:
  1. ___________________________________________________________
  2. ___________________________________________________________
  3. ___________________________________________________________
  4. ___________________________________________________________

- A letter of reprimand will be placed in Ms. Scott’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**
Karen Scott
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 10th day of April, 2018, I caused to be served a true and correct copy of the foregoing by the following method to:

Karen Scott
2795 N.W. John Olsen Ave.
Apt. J138
Hillsboro, OR 97124

☐ 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.gottschat@ag.idaho.gov

Shannon H. Haas
Program Specialist
Idaho State Department of Education
IDAHO PROFESSIONAL STANDARDS COMMISSION

In the Matter of the Certificate of:

KAREN SCOTT,

Respondent.

Case No. 21713

DEFAULT ORDER

TO: Karen Scott
2795 N.W. John Olsen Avenue
Hillsboro, OR 97124

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.

Michael S. Gilmore
Presiding Officer
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:

Karen Scott
2795 N.W. John Olsen Avenue
Hillsboro, OR 97124

☐ 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

COPY
IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:  
Karen Scott,  
Respondent.

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

GENERAL AVERTMENTS

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. Karen Scott (Ms. Scott) holds the following certificate and endorsements issued under the authority of the Idaho State Board of Education:

4. On or about March 10, 2017, Ms. Scott applied for an Application for Initial, Reinstatement, Revision or Interim (Out-of-State) Idaho Certificate/Credential (hereinafter “Application”). A true and correct copy of the Application is attached as Exhibit A.
5. Question Number 2 within Item #8 Licensing and Legal History of the Application asked and Ms. Scott answered as follows:

2. Have you ever had disciplinary action taken against, or in lieu of disciplinary proceedings have you ever voluntarily relinquished a professional license or certificate (such as a teacher certificate) that you hold or have held, issued by a federal, state, local, or tribal licensing authority? Disciplinary action includes revocation, suspension, probation, letters of reprimand, or conditions.

Check one □ YES ☒ NO

6. On September 14, 2001, a Stipulation of Facts, Order of Reprimand and Probation was entered by the Teacher Standards and Practices Commission of the State of Oregon ("Order of Reprimand") against Ms. Scott\(^1\). A true and correct copy of the Order of Reprimand is attached hereto as Exhibit B.

7. In the Order of Reprimand, Ms. Scott agreed that her interests and those of the Commission, together with the public interest, were best served by a stipulation to certain facts, a public reprimand and a two-year period of probation. See Ex. B. Ms. Scott stipulated that the school district had issued a letter of direction to Ms. Scott for improper conduct in writing overly personal notes/letters to a student and failure to keep her door open when alone with students (Ex. B, ¶5). Ms. Scott further stipulated and admitted that she failed to maintain an appropriate professional student-teacher relationship with the student (Ex. B, ¶ 6). Ms. Scott stipulated that she accepted responsibility for her behavior (Ex. B, ¶ 7). She further stipulated that she was aware of and remorseful for her failure to set appropriate professional student-teacher boundaries and acknowledged that her behavior was inappropriate. Id. Finally, Ms. Scott stipulated to a conclusion of law that her behavior constituted serious and material inattention to and breach of professional responsibilities in failing to maintain an appropriate professional student-teacher relationship.

\(^1\) Ms. Scott was then known as Karen Rabinovich.

**Administrative Complaint - 2**
Karen Scott

8. When asked to explain why Ms. Scott did not disclose the prior disciplinary action, Ms. Scott provided a response to Shannon Haas, an employee of the Idaho State Department of Education, on April 30, 2017. A true and correct copy of the response is attached as Exhibit C. Ms. Scott’s explanation concluded as follows:

I cannot take blame when I was terrorized for trying to save a child. Those in power above me should have been punished and I should have gone to the state immediately for guidance and support. I cannot in good conscience answer the questions on the Idaho application in a way that would support the homophobic hatred that violated my rights, my duty to report, and almost led to the death of the student.

COUNT I

9. Ms. Scott’s conduct or course of conduct described above violated Idaho Code § 33-1208(d) (“Making any material statement of fact in the application for a certificate, which the applicant knows to be false.”).

COUNT II

10. Ms. Scott’s conduct or course of conduct described above violated Idaho Code § 33-1208(1)(j). Specifically, Ms. Scott 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.”).

COUNT III

11. Ms. Scott’s conduct or course of conduct described above violated Idaho Code § 33-1208(1)(j). Specifically, Ms. Scott violated Code of Ethics Principle IV (Idaho Admin. Code r. 08.02.02.076.05 (“A professional educator exemplifies honesty and integrity in the course of professional practice.”)).

ADMINISTRATIVE COMPLAINT - 3
Karen Scott
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 Ms. Scott does not request a hearing, the Commission issue a letter of reprimand and Ms. Scott have a condition placed on her certificate that she must show proof of completion of the Oregon’s Commissioners requirements in the Order of Reprimand in order to apply for reinstatement.

2. That if Ms. Scott requests a hearing, a hearing be conducted before a hearing panel, where the Chief Certification Officer and Ms. Scott may present evidence concerning the allegations in this Administrative Complaint, to aid the hearing panel in determining whether Ms. Scott’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 ___ day of October, 2017.

LISA COLÓN DURHAM
Chief Certification Officer

Attorney for the
Chief Certification Officer
Robert A. Berry
Deputy Attorney General
PO Box 83720
Boise, ID 83720-0010
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of October, 2017, I caused to be served a true and correct copy of the foregoing by the following method to:

Karen Scott
2795 N.W. John Olsen Ave.
Apt. J138
Hillsboro, OR 97124

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

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.gottsch@ag.idaho.gov

Shannon H. Haas
Program Specialist
Idaho State Department of Education

ADMINISTRATIVE COMPLAINT - 5
Karen Scott
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.
IDAHO PROFESSIONAL STANDARDS COMMISSION

In the Matter of the Certificate of:

KAREN SCOTT,

Respondent.

Case No. 21713

DEFAULT ORDER

TO: Karen Scott
2795 N.W. John Olsen Avenue
Hillsboro, OR 97124

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
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:

Karen Scott  
2795 N.W. John Olsen Avenue  
Hillsboro, OR 97124

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

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
- Overnight Mail
- Facsimile:

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

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

Michael S. Gilmore  
Presiding Officer

COPY

DEFAULT ORDER - 2
In the matter of the certificate of:

Karen Scott,
Respondent.

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

GENERAL AVERMENTS

The following general averments are adopted in each count below.


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2. Have you ever had disciplinary action taken against, or in lieu of disciplinary proceedings have you ever voluntarily relinquished a professional license or certificate (such as a teacher certificate) that you hold or have held, issued by a federal, state, local, or tribal licensing authority? Disciplinary action includes revocation, suspension, probation, letters of reprimand, or conditions.

6. On September 14, 2001, a Stipulation of Facts, Order of Reprimand and Probation was entered by the Teacher Standards and Practices Commission of the State of Oregon (“Order of Reprimand”) against Ms. Scott. A true and correct copy of the Order of Reprimand is attached hereto as Exhibit B.

7. In the Order of Reprimand, Ms. Scott agreed that her interests and those of the Commission, together with the public interest, were best served by a stipulation to certain facts, a public reprimand and a two-year period of probation. See Ex. B. Ms. Scott stipulated that the school district had issued a letter of direction to Ms. Scott for improper conduct in writing overly personal notes/letters to a student and failure to keep her door open when alone with students (Ex. B, ¶5). Ms. Scott further stipulated and admitted that she failed to maintain an appropriate professional student-teacher relationship with the student (Ex. B, ¶ 6). Ms. Scott stipulated that she accepted responsibility for her behavior (Ex. B, ¶ 7). She further stipulated that she was aware of and remorseful for her failure to set appropriate professional student-teacher boundaries and acknowledged that her behavior was inappropriate. Id. Finally, Ms. Scott stipulated to a conclusion of law that her behavior constituted serious and material inattention to and breach of professional responsibilities in failing to maintain an appropriate professional student-teacher

---

Ms. Scott was then known as Karen Rabinovich.

ADMINISTRATIVE COMPLAINT - 2
Karen Scott

8. When asked to explain why Ms. Scott did not disclose the prior disciplinary action, Ms. Scott provided a response to Shannon Haas, an employee of the Idaho State Department of Education, on April 30, 2017. A true and correct copy of the response is attached as Exhibit C.

Ms. Scott’s explanation concluded as follows:

I cannot take blame when I was terrorized for trying to save a child. Those in power above me should have been punished and I should have gone to the state immediately for guidance and support. I cannot in good conscience answer the questions on the Idaho application in a way that would support the homophobic hatred that violated my rights, my duty to report, and almost led to the death of the student.

**COUNT I**

9. Ms. Scott’s conduct or course of conduct described above violated Idaho Code § 33-1208(d) (“Making any material statement of fact in the application for a certificate, which the applicant knows to be false.”).

**COUNT II**

10. Ms. Scott’s conduct or course of conduct described above violated Idaho Code § 33-1208(1)(j). Specifically, Ms. Scott 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.”).

**COUNT III**

11. Ms. Scott’s conduct or course of conduct described above violated Idaho Code § 33-1208(1)(j). Specifically, Ms. Scott violated Code of Ethics Principle IV (Idaho Admin. Code r. 08.02.02.076.05 (“A professional educator exemplifies honesty and integrity in the course of professional practice.”)).
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 Ms. Scott does not request a hearing, the Commission issue a letter of reprimand and Ms. Scott have a condition placed on her certificate that she must show proof of completion of the Oregon’s Commissioners requirements in the Order of Reprimand in order to apply for reinstatement.

2. That if Ms. Scott requests a hearing, a hearing be conducted before a hearing panel, where the Chief Certification Officer and Ms. Scott may present evidence concerning the allegations in this Administrative Complaint, to aid the hearing panel in determining whether Ms. Scott’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
PO Box 83720
Boise, ID 83720-0010

ADMINISTRATIVE COMPLAINT - 4
Karen Scott
CERTIFICATE OF SERVICE

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

Karen Scott
2795 N.W. John Olsen Ave.
Apt. J138
Hillsboro, OR 97124

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:
Email:

U.S. Mail
Hand Delivery
Certified Mail, Return Receipt Requested
Overnight Mail
Facsimile: (208) 854-8073
Email: robert.berry@ag.idaho.gov
leslie.gottsch@ag.idaho.gov

Shannon H. Haas
Program Specialist
Idaho State Department of Education
NOTIFICATION OF PROCEDURAL RIGHTS

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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.