

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Kristen Whitworth,

Respondent

Case No. 21715

FINAL ORDER

The Chief Certification Officer for the State of Idaho filed an Administrative Complaint against the teaching certificate issued to Kristen Whitworth, seeking for the Professional Standards Commission to impose discipline on Ms. Whitworth's certificate. *See* Idaho Code § 33-1209. Because Ms. Whitworth did not request a hearing within 30 days, and because Ms. Whitworth 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. Whitworth 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 Ms. Whitworth 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. 08.02.02.076.02.

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

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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

_____ Ms. Whitworth's certificate is revoked

_____ Ms. Whitworth's certificate is permanently revoked under Idaho Code § 33-1208(2).

_____ Ms. Whitworth's certificate is suspended for _____ years _____ months

_____ Ms. Whitworth's certificate is suspended indefinitely pending completion of the following conditions:

1. _____
2. _____
3. _____
4. _____

_____ Ms. Whitworth's certificate has the following conditions placed upon it:

1. _____
2. _____
3. _____
4. _____

_____ A letter of reprimand will be placed in Ms. Whitworth's permanent certification file

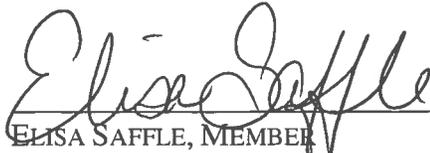
This Order is effective on the day it is signed. This Order and the Administrative Complaint, which will be attached to this Order, are public records, and may be made available on the State Department of Education or the Commission's website.

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DATED this 6th 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

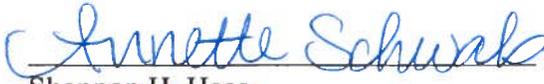
I HEREBY CERTIFY that on this 10th day of April, 2018, I caused to be served a true and correct copy of the foregoing by the following method to:

Kristen Whitworth
PO Box 473
Inkom, ID 83245

- 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.gottsch@ag.idaho.gov


~~Shannon H. Haas~~
Program Specialist
Idaho State Department of Education

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the Matter of the Certificate of:)
) Case No. 21715
KRISTEN WHITWORTH,)
) **DEFAULT ORDER**
Respondent.)
)

**TO: Kristen Whitworth
91 E. Merrill Road
McCammon, ID 83258**

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

By 
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:

Kristen Whitworth
91 E. Merrill Road
McCammon, ID 83258

- 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.gottsche@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:

Kristen Whitworth,

Respondent.

Case No. 21715

ADMINISTRATIVE COMPLAINT

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

GENERAL AVERMENTS

The following general averments are adopted in each count below.

1. The Professional Standards Commission (Commission) regulates teacher certification in Idaho.

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. Kristen Whitworth (Ms. Whitworth) holds the following certificate and endorsement issued under the authority of the Idaho State Board of Education:

a. (Past) Standard Elementary Certificate with all Subjects K/8 endorsement – valid 9/1/2012 – effective through September 1, 2017.

b. (Current) Standard Elementary Certificate with all Subjects K/8 endorsement – valid 9/1/2017 – effective through August 31, 2022.

4. Ms. Whitworth was employed as a sixth grade teacher at Inkom Elementary School for Marsh Valley School District No. 21 for the 2016-2017 school year.

5. During the 2016-2017 school year, Ms. Whitworth flicked students in the head, threw markers at students, and hit students with books and papers. Ms. Whitworth admitted to this conduct by letter, although characterized the incidents as “playful banter.”

COUNT I

6. Ms. Whitworth’s conduct or course of conduct described above violated Idaho Code § 33-1208(1)(j). Specifically, Ms. Whitworth violated Code of Ethics Principle II (Idaho Admin. Code r. 08.02.02.076.02) (“A professional educator maintains a professional relationship with all students, both inside and outside the physical and virtual classroom.”)

REQUEST FOR RELIEF

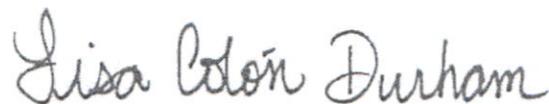
The Chief Certification Officer requests that the Commission grant the following relief, as permitted under Idaho Code §§ 33-1208 and 33-1209.

1. That if Ms. Whitworth does not request a hearing, the Commission issue a letter of reprimand.

2. That if Ms. Whitworth requests a hearing, a hearing be conducted before a hearing panel, where the Chief Certification Officer and Ms. Whitworth may present evidence concerning the allegations in this Administrative Complaint, to aid the hearing panel in determining whether Ms. Whitworth’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
(208) 334-2400
robert.berry@ag.idaho.gov

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:

Kristen Whitworth
PO Box 473
Inkom, ID 83245

- 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

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.



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

OFFICE
650 W State Street
PHONE
(208) 332-6884
FAX
(208) 334-2228
SPEECH/HEARING IMPAIRED
(800) 377-3529

RE: Kristen Whitworth
Professional Standards Commission Case No. 21715

LETTER OF REPRIMAND

The Professional Standards Commission issues a formal reprimand to Kristen Whitworth.

The Executive Committee found that probable cause existed to warrant the filing of an administrative complaint against Ms. Whitworth certificates by the Chief Certification Officer. After an administrative complaint was filed, Ms. Whitworth did not file an answer and an order of default was then entered. The full Professional Standards Commission considered her case and adopted the discipline recommended by the Executive Committee in the administrative complaint. Accordingly, a letter of reprimand is now issued based upon Ms. Whitworth's behaviors where she flicked students in the head, threw markers at students, and hit students with books and paper, all of which are a violation of Code of Ethics Principle II. Ms. Whitworth is hereby reprimanded for such behavior. The Chief Certification Officer is directed to issue and place this letter of reprimand in Ms. Whitworth's certification file.

Dated this 12 day of April, 2018.

IDAHO STATE DEPARTMENT OF EDUCATION

Lisa Colon Durham, Chief Certification Officer

c: Robert A. Berry, Attorney for the Chief Certification Officer