

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Kyah May Piva,

Respondent

Case No. 22243

STIPULATION

BACKGROUND

The Professional Standards Commission received an allegation of unethical conduct concerning Kyah May Piva. 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 Kyah May Piva's certificate. The Executive Committee has recommended the following Stipulation.

STIPULATION

1. This is an agreement (Stipulation) between Kyah May Piva (Ms. Piva) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).
2. If Ms. Piva 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 March 17, 2023, unless she has been granted an extension.
3. After Ms. Piva 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 W. State St. 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 educator certification in Idaho.
6. Ms. Piva holds the following certificate and endorsements issued under the authority of the Idaho State Board of Education:
 - a. Standard Instructional Certificate with All Subjects (K-8), Physical Education (PE)(K-12), and Health (K-12) endorsements, effective September 1, 2022, through August 31, 2027.
 - b. Standard Instructional Certificate with All Subjects (K-8), Physical Education (PE)(K-12), and Health (K-12) endorsements, effective September 1, 2017, through August 31, 2022.
7. Ms. Piva was employed by the Challis School District #181 during the 2019-2020 school year as a Physical Education (PE) teacher.
8. Ms. Piva engaged in an inappropriate relationship with a male student during the 2019-2020 school year.
9. Ms. Piva exchanged messages with the student through Instagram or Snap Chat and exchanged photos with the student. The messages have been described by Ms. Piva as “pretty flirty from both sides.”
10. Ms. Piva met the student at a hot spring on two occasions. Ms. Piva also met the student at other locations away from the school.

11. The Executive Committee determined that probable cause exists for initiating an administrative action against Ms. Piva for violating the following laws and rules governing educator certification:

- a. Ms. Piva's conduct or course of conduct willfully violated a principle of the code of ethics that was adopted by the Idaho State Board of education. Idaho Code § 33-1208(1) ("Willful violation of any professional code or standard of ethics or conduct, adopted by the state board of education."). Specifically, Ms. Piva 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.").

12. Ms. Piva admits that she violated the laws and rules cited in paragraph 11 and acknowledges that there is sufficient evidence to support a finding of a violation of the laws and rules cited in paragraph 11.

B. STIPULATED DISCIPLINE

13. If this Stipulation is approved by the Commission, the following discipline will be imposed by the Commission on Ms. Piva's certificate:

- a. Ms. Piva's certifications will be suspended indefinitely with the condition that she provide evidence to the satisfaction of the Commission that this type of circumstance is very unlikely to reoccur in the future.

14. Any costs associated with Ms. Piva's compliance with the terms of this Stipulation are her responsibility.

15. During the pendency of this Stipulation Ms. Piva will comply with all laws and rules governing educator certification in Idaho.

C. PRESENTATION OF THIS STIPULATION

16. Once Ms. Piva 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.

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

18. If the Commission modifies this Stipulation, it must receive Ms. Piva's approval on any modification before the Stipulation is effective.

D. WAIVER OF RIGHTS

19. If this Stipulation is approved by the Commission, Ms. Piva 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;

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

21. By signing this Stipulation, Ms. Piva agrees to waive any requirement for a hearing under Idaho Code § 33-1209(3) to be conducted within 90 days of a request for a hearing. This waiver applies to any hearing request made before the Commission ultimately rejects this Stipulation (if it does) or before Ms. Piva ultimately rejects a modified stipulation (if Ms. Piva does). If the Commission ultimately rejects this Stipulation or if Ms. Piva ultimately rejects a

modified stipulation, and Ms. Piva has requested a hearing, the 90-day hearing timeframe will begin from the ultimate rejection.

E. GENERAL ACKNOWLEDGMENTS

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

23. 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.

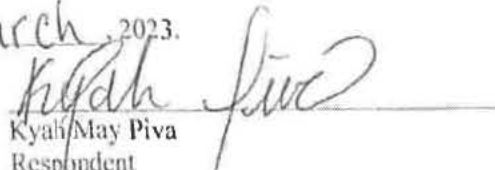
24. Ms. Piva agrees that she has read this Stipulation, has had the opportunity to discuss it with legal counsel, if she so chose, and understands that by signing below, she will be agreeing to the terms of this Stipulation.

SIGNATURES

Respondent

The Respondent, Kyah May Piva, agrees to this Stipulation.

DATED this 29 day of March, 2023.


Kyah May Piva
Respondent

Executive Committee

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

DATED this 14 day of April, 2023

IDAHO PROFESSIONAL STANDARDS COMMISSION
EXECUTIVE COMMITTEE

Chanel Harming

Chanel Harming, Member

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Kyah May Piva,

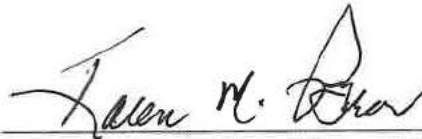
Respondent

Case No. 22243

CONSENT ORDER

The Professional Standards Commission orders that the Stipulation, entered between Kyah May Piva 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 14th day of April, 2023. The discipline listed in the Stipulation is imposed on Kyah May Piva's certificates under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Kyah May Piva has waived the right of judicial review.

IDAHO PROFESSIONAL STANDARDS COMMISSION



Karen Pyron, Member

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of April, 2023, I caused to be served a true and correct copy of the foregoing by the following method to:

Kyah May Piva,
Respondent



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

*Attorney for the
Chief Certification Officer*
James E. ("Jim") Rice
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: jim.rice@ag.idaho.gov
colleen.funk @ag.idaho.gov

Annette Schwab

Annette Schwab
Program Specialist