IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of: Jay M. Ostler, Respondent  

Case No. 21416

FINAL ORDER

The Chief Certification Officer for the State of Idaho filed an Administrative Complaint against the teaching certificate issued to Jay M. Ostler, seeking for the Professional Standards Commission to impose discipline on Mr. Ostler's certificate. See Idaho Code § 33-1209. Because Mr. Ostler did not request a hearing within 30 days, and because Mr. Ostler 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. Ostler 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 Mr. Ostler willfully violated Principle III of the Code of Ethics that provides, "A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice." Idaho Admin. Code r. 08.02.02.076.04 (2014).

Under Idaho Code § 33-1208, the Professional Standards Commission orders that the following discipline be imposed on Mr. Ostler's certificate: Mr. Ostler's certificate has the following conditions placed upon it.

1. Mr. Ostler must complete an approved three credit ethics course, which will not count towards renewal or reinstatement. He may contact the Commission for a list of approved courses.
2. Mr. Ostler must complete a yearly background check for the first two years following the entry of this final order.
3. Mr. Ostler must adhere to any school district drug policy.

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4. Mr. Ostler must complete two years of random drug testing following entry of the final order.

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.

DATED this 29th day of June, 2017.

[Signature]

ELISA SAPFLE, 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, PO 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 10 day of July, 2017, I caused to be served a true and correct copy of the foregoing by the following method to:

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

Jay M. Ostler

Attorney for the
Chief Certification Officer
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.gottscho@ag.idaho.gov

Shannon H. Haas
Program Specialist
Idaho State Department of Education

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