

**IDAHO PROFESSIONAL STANDARDS COMMISSION**

In the matter of the certificates of:

Lesley E. Cherry

Respondent

Case No. 21528

**STIPULATION**

**BACKGROUND**

The Professional Standards Commission received an allegation of unethical conduct concerning Lesley E. Cherry. 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 Lesley E. Cherry's certificates. Lesley E. Cherry and the Executive Committee wish to settle this matter.

**STIPULATION**

1. This is an agreement (Stipulation) between Lesley E. Cherry (Ms. Cherry) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).
2. If Ms. Cherry agrees to this Stipulation, she must sign and return this Stipulation to the Commission by 5:00 p.m. (mountain time) on July 28, 2017, unless she has requested and been granted an extension of time.
3. Once Ms. Cherry 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 the Stipulation may be submitted via mail or via fax to:

Professional Standards Commission  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
Telephone: (208) 332-6884  
Facsimile: (208) 334-2228

**A. Stipulated Facts and Law**

5. The Commission regulates teacher certification in the state of Idaho.
6. Ms. Cherry holds the following certificates and endorsements:
- a. (Current) Standard Instructional Certificate with English 6-12, Drama 6-12, Literacy K-12, and Communication 6-12 Endorsements – effective September 1, 2016 – valid until August 31, 2021.
  - b. (Current) Administrator Certificate with School Principal Pre-K-12 Endorsement effective September 1, 2016 – valid until August 31, 2021.
  - c. (Past) Standard Secondary Certificate with English 6-12, Drama 6-12, Literacy K-12, and Communication 6-12 Endorsements – effective September 1, 2011 – valid until August 31, 2016.

(Past) Administrator Certificate with School Principal Pre-K-12 Endorsement effective September 1, 2011 – valid until August 31, 2016.

7. During the relevant time period of the 2014-2015 school year, Ms. Cherry was employed by the Independent School District of Boise City No. 1, and taught at Fairmont Junior High School.

8. It was alleged that Ms. Cherry acted unprofessionally, did not observe professional boundaries and made inappropriate comments and remarks to a few male students and one student's father. Ms. Cherry strenuously denies these allegations.

9. The Executive Committee determined that probable cause exists for initiating an administrative action against Ms. Cherry for violating the following laws, rules, or both governing teacher certification:

- a. Idaho Code § 33-1208(1)(j) (“Willful violation of any professional code or standard of ethics or conduct, adopted by the state board of education”).
- b. Code of Ethics Principle II - Educator/Student Relationship (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.”).

10. Ms. Cherry, although not admitting that she violated the laws and rule cited in paragraph 9, acknowledges that there is sufficient evidence to support a finding of a violation of the laws and rule cited in paragraph 9.

### **B. Stipulated Discipline**

11. If this Stipulation is approved by the Commission, the following discipline will be imposed by the Commission on Ms. Cherry’s certificates:

- a. Ms. Cherry must attend and complete an approved ethics and boundaries course within one year from adoption of this Stipulation by the Commission that will not count towards her required professional development credits.

12. Any costs associated with Ms. Cherry’s compliance with the terms of this Stipulation are his responsibility.

13. During the pendency of this Stipulation, Ms. Cherry will comply with all laws and rules governing teacher certification in Idaho.

### **C. Presentation of this Stipulation**

14. Once Ms. Cherry 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.

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

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

**D. Waiver of Rights**

17. If this Stipulation is approved by the Commission, Ms. Cherry 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;
- d. the right to reconsideration of the Commission's orders;
- e. the right to judicial review of the Commission's orders; and
- f. other rights accorded by the Idaho Administrative Procedure Act, and the law and rules governing teacher certification in the State of Idaho.

18. If this Stipulation is approved by the Commission, the Commission may impose discipline upon Ms. Cherry's certificates without further process.

19. By signing this Stipulation, Ms. Cherry agrees to waive any requirement for a hearing under Idaho Code § 33-1209(3) to be conducted within 90 days of her 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. Cherry ultimately rejects a modified stipulation (if Ms. Cherry does). If the Commission ultimately rejects this Stipulation or if Ms. Cherry ultimately rejects a modified stipulation, and Ms. Cherry has requested a hearing, the 90-day hearing timeframe will begin from the ultimate rejection.

**F. General Acknowledgments**

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

2. 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.

3. Ms. Cherry 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, Lesley E. Cherry, agrees to this Stipulation.

DATED this 1st day of August, 2017.

Lesley Cherry  
Lesley E. Cherry  
Respondent

Executive Committee

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

DATED this 15 day of Sept., 2017

IDAHO PROFESSIONAL STANDARDS  
COMMISSION EXECUTIVE COMMITTEE

Charlotte McKinney  
Charlotte McKinney Member

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificates of:

Lesley E. Cherry,

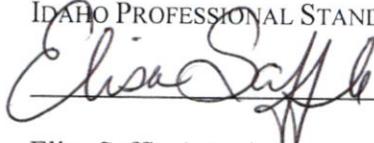
Respondent

Case No.21528

**CONSENT ORDER**

The Professional Standards Commission orders that the Stipulation, entered between Lesley E. Cherry and the Executive Committee, is adopted as the informal disposition of this case, as permitted under Idaho Code § 67-5241. This order will be effective on the date it is signed. The discipline listed in the Stipulation is imposed on Lesley E. Cherry's certificates under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Lesley E. Cherry has waived the right of reconsideration and the right to judicial review.

IDAHO PROFESSIONAL STANDARDS COMMISSION

 09/15/2017

Elisa Saffle, Member

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20 day of Sept, 2017, I caused to be served a true and correct copy of the foregoing by the following method to:

Paul J. Stark  
General Counsel  
Idaho Education Association  
620 N. Sixth St.  
Boise, ID 83702

- 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