IDaho Professional Standards Commission

In the matter of the certificates of:  ) Case No. 21631  
Kara Smith,  ) STIPULATION  
Respondent.  )

Background

The Professional Standards Commission received an allegation of unethical conduct concerning Kara Smith. 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 Kara Smith's certificates. The Executive Committee has recommended the following Stipulation.

Stipulation

1. This is an agreement (stipulation) between Kara Smith (Ms. Smith) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).

2. If Ms. Smith 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 September 8, 2017, unless she has been granted an extension.

3. After Ms. Smith 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 West State Street, 2nd Floor
   P. O. Box 83720
   Boise, ID 83720-0027
   Fax: (208) 334-2228 (Attn: Professional Standards Commission)

STIPULATION - 1
Kara Smith
A. Stipulated Facts and Law

5. The Commission regulates teacher certification in the State of Idaho.

6. Ms. Smith holds the following certificates and endorsements:


7. During the relevant time period, Ms. Smith was employed by the Coeur d'Alene School District No. 271 and served as a debate coach at Lake City High School.

8. Ms. Smith and a female student J, exchanged electronic communications over a period of time, which included subjects pertaining to their personal life.

9. After Lake City High School's principal, Deanne Clifford, was made aware of these texts, she directed Ms. Smith to cease all communications with Student J, unless they related to school or debate.

10. Ms. Smith continued her communications with Student J for a short period of time, but then ceased all further communications. Student J continued to communicate with Ms. Smith but Ms. Smith no longer communicated with Student J.

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

   a. **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.").

STIPULATION - 2
Kara Smith
10. Ms. Smith, although not admitting that she violated the laws and rules cited in paragraph 9, acknowledges that there is sufficient evidence to support a finding of a violation of the laws and rules 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. Smith’s certificates:
   a. the Commission issue a letter of reprimand and attend a three credit boundary class that will not count towards her required professional development credits.

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

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

C. Presentation of this Stipulation

14. Once Ms. Smith 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. Smith’s approval on any modification before the Stipulation is effective.

D. Waiver of Rights

17. If this Stipulation is approved by the Commission, Ms. Smith 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. Smith's certificate without further process.

19. By signing this Stipulation, Ms. Smith 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. Smith ultimately rejects a modified stipulation (if Ms. Smith does). If the Commission ultimately rejects this Stipulation or if Ms. Smith ultimately rejects a modified stipulation, and Ms. Smith has requested a hearing, the 90-day hearing timeframe will begin from the ultimate rejection.

E. General Acknowledgments

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

21. 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.

22. Ms. Smith 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.

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STIPULATION - 4
Kara Smith
SIGNATURES

Respondent

The respondent, Kara Smith, agrees to this Stipulation.

DATED this 23rd day of August, 2017.

Kara Smith
Respondent

Executive Committee

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

DATED this 15th day of September, 2017.

IDAHO PROFESSIONAL STANDARDS COMMISSION EXECUTIVE COMMITTEE

Kara Smith
Executive Committee Member
IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificates of: ) Case No. 21631
Kara Smith, ) CONSENT ORDER
Respondent. )

The Professional Standards Commission orders that the Stipulation, entered between Kara Smith 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 Kara Smith’s certificates under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Kara Smith has waived the right of reconsideration and the right to judicial review.

Dated this 21 day of September, 2017.

IDAHO PROFESSIONAL STANDARDS COMMISSION

Elisa Saffle, Member

CONSENT ORDER - 1
Kara Smith
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of September, 2017, I caused to be served a true and correct copy of the foregoing by the following method to:

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

CONSENT ORDER - 2  
Kara Smith
RE: Kara Smith
Professional Standards Commission Case No. 21631

LETTER OF REPRIMAND

The Professional Standards Commission, in accord with Idaho Code §§ 33-1208 and 33-1209, and the Stipulation and Consent Order in this matter, issues a formal reprimand to Kara Smith (Ms. Smith).

Ms. Smith holds the following certificates and endorsement: Standard Secondary Certificate with English 6-12 and Communication 6-12 Endorsements – effective September 1, 2014 – valid until August 31, 2019; Administrator Certificate with School Principal Pre-K-12 Endorsement – effective September 1, 2014 – valid until August 31, 2019. During the relevant time period, Ms. Smith was employed by the Coeur d’Alene School District No. 271 and served as a debate coach at Lake City High School. Ms. Smith and a female student J. exchanged electronic communications over a period of time, which including subjects pertaining to their personal life. After Lake City High School’s principal, Deanne Clifford, was made aware of these texts, she directed Ms. Smith to cease all communications with Student J, unless they related to school or debate. Ms. Smith continued her communications with Student J for a short period of time, but then ceased all further communications. Student J continued to communicate with Ms. Smith but Ms. Smith no longer communicated with Student J. The Executive Committee determined that probable cause exists for initiating an administrative action against Ms. Smith for violating the following laws and rules governing teacher certification: a. 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.”).

Ms. Smith, although not admitting that she violated the following laws and rules governing teacher certification, acknowledges that there is sufficient evidence to support a finding of a violation of the following laws and rules governing teacher certification:

A copy of this letter of reprimand will be placed in Ms. Smith’s certification file.

DATED this 21st day of September, 2017.

IDAHO PROFESSIONAL STANDARDS COMMISSION

By: Elisa Saffle, Member

cc: Kara Smith, Respondent
Paul Stark, Respondent’s Counsel
Robert A. Berry, Attorney for the Chief Certification Officer