

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Randall Dalzell,

Respondent

Case No. 22115

STIPULATION

BACKGROUND

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

STIPULATION

1. This is an agreement (Stipulation) between Randall Dalzell (Mr. Dalzell) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).
2. If Mr. Dalzell wishes to agree to this Stipulation, he must sign and return this stipulation and any attachments to the Commission by 5:00 p.m. (Mountain Time) on July 29, 2022, unless he has been granted an extension.
3. After Mr. Dalzell 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. Mr. Dalzell holds the following certificate and endorsement issued under the authority of the Idaho State Board of Education:
 - a. Standard Instructional Certificate with Mathematics (6-12) endorsement, effective August 16, 2021, through August 31, 2024.
7. Mr. Dalzell was employed as a mathematics teacher by the Middleton School District #134 for the 2021-2022 school year.
8. Mr. Dalzell asked to be released from his contract on January 18, 2022, advising that his last day at the school would be January 21, 2022.
9. Middleton School District #134 asked that he wait until the board meeting on February 7, 2022, and follow its policy to find a suitable replacement.
10. Mr. Dalzell left his employment with the Middleton School District on January 25, 2022, before the board of trustees could meet and before it could find a suitable replacement.
11. Mr. Dalzell's resignation was not accepted by the board of trustees.
12. The Executive Committee determined that probable cause exists for initiating an administrative action against Mr. Dalzell for violating the following laws and rules governing educator certification:
 - a. Mr. Dalzell'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)(j)(“Willful violation of any professional code or standard of ethics or conduct, adopted by the state board of education.”). Specifically, Mr. Dalzell violated Code of Ethics Principle VIII Idaho Admin Code r. 08.02.02.076.09(“A professional educator fulfills all terms and obligations detailed in the contract with the local board of educators or education agency for the duration of the contract.”).

13. Mr. Dalzell admits that he violated the laws and rules cited in paragraph 12 and acknowledges that there is sufficient evidence to support a finding of a violation of the laws and rules cited in paragraph 12.

B. STIPULATED DISCIPLINE

14. If this Stipulation is approved by the Commission, the following discipline will be imposed by the Commission on Mr. Dalzell’s certificate:

- a. A letter of reprimand will be issued.
- b. Mr. Dalzell must take an approved PSC ethics course, which may not be used for renewal purposes.
- c. Mr. Dalzell must take a business course focusing upon contracts at Texas Wesleyan University.

15. Any costs associated with Mr. Dalzell’s compliance with the terms of this Stipulation are his responsibility.

16. During the pendency of this Stipulation Mr. Dalzell will comply with all laws and rules governing educator certification in Idaho.

C. PRESENTATION OF THIS STIPULATION

17. Once Mr. Dalzell 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.

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

19. If the Commission modifies this Stipulation, it must receive Mr. Dalzell's approval on any modification before the Stipulation is effective.

D. WAIVER OF RIGHTS

20. If this Stipulation is approved by the Commission, Mr. Dalzell 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.

21. If this Stipulation is approved by the Commission, the Commission may impose discipline upon Mr. Dalzell's certificate without further process.

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

E. GENERAL ACKNOWLEDGMENTS

23. This Stipulation contains the entire agreement between the parties, and Mr. Dalzell is not relying on any other agreement or representation, whether verbal or written.

24. 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.

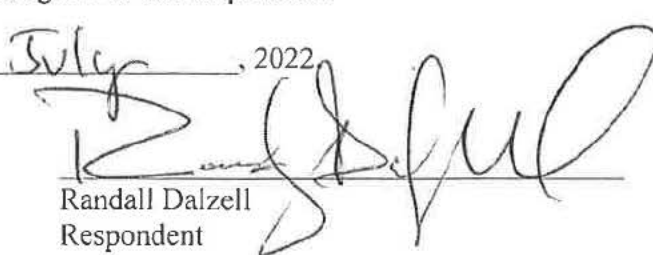
25. Mr. Dalzell agrees that he has read this Stipulation, has had the opportunity to discuss it with legal counsel, if he so chose, and understands that by signing below, he will be agreeing to the terms of this Stipulation.

SIGNATURES

Respondent

The Respondent, Randall Dalzell, agrees to this Stipulation.

DATED this 20th day of July, 2022.



Randall Dalzell
Respondent

Executive Committee

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

DATED this 16 day of September, 2022

IDAHO PROFESSIONAL STANDARDS COMMISSION
EXECUTIVE COMMITTEE

Chanel Harming

~~Kathy Davis~~, Member

Chanel Harming

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Randall Dalzell,

Respondent

Case No. 22115
CONSENT ORDER

The Professional Standards Commission orders that the Stipulation, entered between Randall Dalzell 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 16th day of September, 2022. The discipline listed in the Stipulation is imposed on Randall Dalzell's certificates under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Randall Dalzell has waived the right of judicial review.

IDAHO PROFESSIONAL STANDARDS COMMISSION

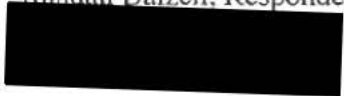


Karen Pyron, Member

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of September, 2022, I caused to be served a true and correct copy of the foregoing by the following method to:

Randall Dalzell, Respondent



- 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

Annette Schwab

Annette Schwab
Program Specialist
Idaho State Department of Education



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: Randall Dalzell
Professional Standards Commission Case No. 22115

LETTER OF REPRIMAND

The Professional Standards Commission issues a formal reprimand to Randall Dalzell.

The Executive Committee found that probable cause existed to warrant the filing of an administrative complaint against Mr. Dalzell's certificate by the Chief Certification Officer. Mr. Dalzell entered stipulated discipline. The full Professional Standards Commission considered the case and adopted the discipline recommended by the Executive Committee, which was incorporated into the stipulated discipline. Accordingly, a letter of reprimand is now issued based upon Mr. Dalzell breaching his teaching contract, a violation of Code of Ethics Principle VIII. The Chief Certification Officer is directed to issue and place this letter of reprimand in Mr. Dalzell's certification file.

Dated this 21 day of September, 2022.

IDAHO STATE DEPARTMENT OF EDUCATION

Bethani Studebaker, Chief Certification Officer

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