

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

James F. Maloney,

Respondent

Case No. 22307

STIPULATION

BACKGROUND

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

STIPULATION

1. This is an agreement (Stipulation) between James F. Maloney (Mr. Maloney) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).
2. If Mr. Maloney 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 24, 2023, unless he has been granted an extension.
3. After Mr. James F. Maloney 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. James F. Maloney holds the following certificate and endorsement issued under the authority of the Idaho State Board of Education:
 - a. Standard Instructional Certificate with All Subjects (K-8) and Exceptional Child Generalist (K-12) endorsements, effective April 7, 2022, through August 31, 2025.
7. Mr. Maloney entered a contract with Caldwell School District #132 to serve as a Teacher for the 2022-2023 school year.
8. Mr. Maloney signed his contract for the 2022-2023 school year and returned it to the administrator on or about August 5, 2022.
9. On August 12, 2022, Mr. Maloney resigned. *→ CALL ME, I'D LOVE TO SHARE*
10. On August 22, 2022, the school board met and did not accept his resignation. *James*
11. The Executive Committee determined that probable cause exists for initiating an administrative action against Baer for violating the following laws and rules governing educator certification:
 - a. Mr. Maloney'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. Maloney 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.”).

12. Mr. Maloney admits that he 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 Mr. Maloney’s certificate:

a. A letter of reprimand will be placed in James F. Maloney’s certification file.

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

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

C. PRESENTATION OF THIS STIPULATION

16. Once Mr. Maloney 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 Mr. Maloney's approval on any modification before the Stipulation is effective.

D. WAIVER OF RIGHTS

19. If this Stipulation is approved by the Commission, Mr. Maloney 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 Mr. Maloney's certificate without further process.

21. By signing this Stipulation, Mr. Maloney 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. Maloney ultimately rejects a modified stipulation (if Mr. Maloney does). If the Commission ultimately rejects this Stipulation or if Mr. Maloney ultimately rejects a modified stipulation, and Mr. Maloney 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 Mr. Maloney 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. Mr. Maloney 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.

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SIGNATURES

Respondent

The Respondent, James F. Maloney, agrees to this Stipulation.

DATED this 18 day of JULY, 2023.



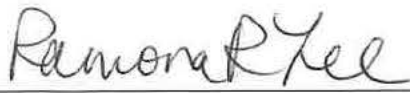
James F. Maloney
Respondent

Executive Committee

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

DATED this 21st day of September 2023

IDAHO PROFESSIONAL STANDARDS COMMISSION
EXECUTIVE COMMITTEE



Ramona Lee, Member

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

James F. Maloney,


Respondent

Case No. 22313

CONSENT ORDER

The Professional Standards Commission orders that the Stipulation, entered between James F. Maloney 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 21st day of September, 2023. The discipline listed in the Stipulation is imposed on James F. Maloney's certificates under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and James F. Maloney has waived the right of judicial review.

IDAHO PROFESSIONAL STANDARDS COMMISSION



Karen Pyron, Member

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of September, 2023, I caused to be served a true and correct copy of the foregoing by the following method to:

James F. Maloney, 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
Program Specialist



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: James F. Maloney
Professional Standards Commission Case No. 22307

LETTER OF REPRIMAND

The Professional Standards Commission issues a formal reprimand to James F. Maloney.

The Executive Committee found that probable cause existed to warrant the filing of an administrative complaint against Mr. Maloney's certificate by the Chief Certification Officer. After an administrative complaint was filed, Mr. Maloney stipulated that he breached his contract with the Caldwell School District #132, which is a violation of Idaho Code § 33-1208(1)(c) and Code of Ethics Principle VIII. The full Professional Standards Commission considered his case and adopted the stipulated discipline recommended by the Executive Committee. Accordingly, a letter of reprimand is now issued based upon Mr. Maloney's behavior where he breached his contract with the Caldwell School District #132, which is a violation of Idaho Code § 33-1208(1)(c) and Code of Ethics Principle VIII. Mr. Maloney is hereby reprimanded for such behavior. The Chief Certification Officer is directed to issue and place this letter of reprimand in Mr. Maloney's certification file.

Dated this 22 day of September, 2023.

IDAHO STATE DEPARTMENT OF EDUCATION

Cina Lackey, Chief Certification Officer

cc: James E. ("Jim") Rice, Attorney for the Chief Certification Officer