

SETTLEMENT AGREEMENT

General Provisions

1. This is a settlement agreement to resolve a contested case initiated by the Professional Standards Commission against Amy Smith.
2. The parties to this settlement agreement are the Professional Standards Commission (the Commission) and Amy Smith (Ms. Smith).
3. The Commission is represented by Deputy Attorneys General Steven L. Olsen and Brian V. Church.
4. Ms. Smith is represented by attorney Paul Stark.
5. This agreement, which is governed by Idaho law, is the entire agreement between the parties. The parties are not relying on any other agreement or representation pertaining to the subject matter of this settlement agreement, whether verbal or written. Any modification to this agreement must be in writing and signed by all parties to this agreement.
6. This agreement will be binding on the parties when each party (or the appropriate representative) has signed it.
7. Once each party has signed the agreement, the parties agree that the agreement to stay the proceedings previously entered by the parties will be vacated.
8. A copy of this settlement agreement, once signed by all parties, will be maintained by the Commission or the Chief Certification Officer in Ms. Smith's permanent certification file.
9. The parties' settlement does not constitute an admission by any party, but merely resolves the pending district court action and the contested case.
10. If any provision of this settlement agreement is invalid or unenforceable, the remaining provisions will not be affected.

Amy Smith's Contested Cases

11. In consideration of reaching this agreement, Ms. Smith agrees that the Commission may enter a final order, in Professional Standards Commission Case No. 21424 (In the matter of the certificate of Amy Hansen Smith), a contested case, resolving the case and imposing the following discipline:

- a. Ms. Smith's certificate will be revoked as of April 15, 2015;
- b. As a condition precedent to being re-issued a certificate, Ms. Smith and the Commission agree that when Ms. Smith applies for re-issuance of her certificate, Ms. Smith must submit proof to the satisfaction of the Chief Certification Officer of *either* (i) two years of successful completion of probation, or (ii) two years of successful completion of drug testing or treatment, or psychiatric or psychological treatment;
- c. As a condition precedent to being re-issued a certificate, Ms. Smith and the Commission agree that Ms. Smith must successfully complete a new criminal background check at the time she submits her application for re-issuance, after Ms. Smith self-reports her criminal history. Ms. Smith understands that the Commission cannot issue a certificate to a person who is convicted of any of the enumerated felonies in Idaho Code § 33-1208(2); *and*
- d. Once re-issued a certificate, Ms. Smith's re-issued certificate will be subject to a condition that she must successfully complete her criminal probation in her case, *State v. Amy Hansen Smith*, Bannock County (Idaho) District Court Case No. CR-2014-0010631-FE.

12. In addition, Ms. Smith stipulates to an amended consent order in Professional Standards Commission Case No. 21115 (In the matter of the certificate of Amy Hansen Smith) that adopts as its discipline the discipline imposed in Professional Standards Commission Case No. 21424. The Commission will, upon the approval of this settlement agreement, enter an amended consent order in Case No. 21115 adopting as discipline the discipline imposed in Case No. 21424.

13. If this settlement agreement 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.

14. Ms. Smith also releases, acquits and forever discharges the Commission and its members, staff, and agents, and the Chief Certification Officer, from any and all causes of actions, claims and demands of any kind related to this contested case, known or unknown, contingent or mature.

(signatures begin on the next page)

Signature of the Professional Standards Commission

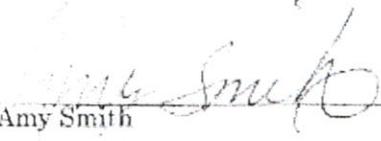
After an open meeting in which this settlement agreement was presented for the Professional Standards Commission's approval, and having reviewed this settlement agreement with legal counsel, the Professional Standards Commission voted to approve the settlement agreement. The Professional Standards Commission agrees to be bound by this settlement agreement, agrees to take the actions necessary to effectuate the agreement, and has designated Elisa Saffle, a member of the Professional Standards Commission, to sign the settlement agreement.

Elisa Saffle
Member
Professional Standards Commission

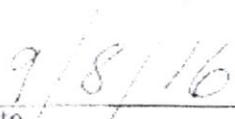
09/15/2017
Date

Signature of Amy Smith

Having reviewed this settlement agreement with legal counsel, Amy Smith approves of the settlement agreement. Amy Smith agrees to be bound by this settlement agreement.



Amy Smith



Date

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Amy Hansen Smith,

Respondent

Case Nos. 21424 and 21115

CONSENT ORDER

Case No. 21424

In Case No. 21424, the Chief Certification Officer filed an administrative complaint against the teaching certificate issued to Amy Hansen Smith (Ms. Smith), seeking for the Professional Standards Commission (the Commission) to impose discipline on Ms. Smith's certificate. See Idaho Code § 33-1209. The administrative complaint alleged that Ms. Smith violated Idaho Code § 33-1208(1)(f) and willfully violated Code of Ethics Principles II and III. Idaho Code § 33-1208(1)(j); Idaho Admin. Code r. 08.02.02.076.03 and .04.

Before a hearing was conducted, Ms. Smith and the Commission entered into a settlement agreement that resolves this contested case. Therefore, in accordance with the settlement agreement, the Commission enters this order. See Idaho Code § 67-5241(1); see also Idaho Code § 33-1208. The Commission imposes the following discipline:

- a. Ms. Smith's certificate will be revoked as of April 15, 2015;
- b. As a condition precedent to being re-issued a certificate, Ms. Smith and the Commission agree that when Ms. Smith applies for re-issuance of her certificate, Ms. Smith must submit proof to the satisfaction of the Chief Certification Officer of *either* (i) two years of successful completion of probation, or (ii) two years of successful completion of drug testing or treatment, or psychiatric or psychological treatment;
- c. As a condition precedent to being re-issued a certificate, Ms. Smith and the Commission agree that Ms. Smith must successfully complete a new criminal background check at the time she submits her application for re-issuance, after Ms. Smith self-reports her criminal history. Ms. Smith understands that the Commission cannot issue a certificate to a person who is convicted of any of the enumerated felonies in Idaho Code § 33-1208(2); *and*

- d. Once re-issued a certificate, Ms. Smith's re-issued certificate will be subject to a condition that she must successfully complete her criminal probation in her case, *State v. Amy Hansen Smith*, Bannock County (Idaho) District Court Case No. CR-2014-0010631-FE.

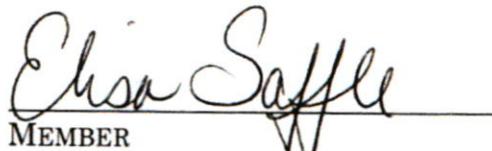
Case No. 21115

In October 2012, the Commission entered a consent order in Case No. 21115 that placed certain conditions on Ms. Smith's teaching certificate, subjecting the reissuance or renewal of any certificate to the standards and processes set forth in Idaho Code §§ 33-1209(9) and (10). The Commission has determined that Ms. Smith failed to comply with the conditions in Case No. 21115. But in accordance with the settlement agreement referenced above, in which Ms. Smith stipulated to an amended consent order imposing the same discipline for Case No. 21115 as Case No. 21424, the Commission exercises its authority under Idaho Code § 33-1208(1) and 33-1209(10), and directs that with respect to Case No. 21115, the same discipline in Case No. 21424 will apply to any certificate issued to or authorized for Ms. Smith.

Both cases

For Case Nos. 21424 and 21115, Ms. Smith has waived the right of judicial review and the right of reconsideration. This order is effective on the day it is signed. This order is a public record and may be made available on the State Department of Education or the Commission's website.

DATED this 16 day of October, 2017.



MEMBER

Idaho Professional Standards Commission

RECONSIDERATION AND JUDICIAL REVIEW

Ms. Smith has waived the right of judicial review and the right of reconsideration.

Standard language:

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

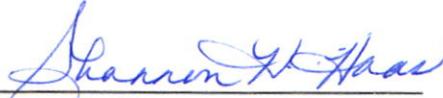
I HEREBY CERTIFY that on this 17 day of October, 2017, I caused to be served a true and correct copy of the foregoing by the following method to:

Paul J. Stark, General Counsel
Idaho Education Association
620 N. 6th St.
Boise, ID 83702

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

Attorney for the
Professional Standards Commission
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.gottsch@ag.idaho.gov



Shannon H. Haas
Program Specialist
Idaho State Department of Education