

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificatecertificates of:

Case No. 2161721901

Charles Tacke,

FINAL ORDER

Respondent

The Chief Certification Officer for the State of Idaho filed an Administrative Complaint against the educator certificates issued to Charles Tacke, seeking for the Professional Standards Commission to impose discipline on Mr. Tacke’s certificates. *See* Idaho Code § 33-1209. Because Mr. Tacke did not request a hearing within 30 days, and because Mr. Tacke was determined to be in default by a hearing/presiding officer, the allegations in the Administrative Complaint are treated as admitted, Idaho Code § 33-1209(3), and are incorporated by reference as findings of fact.

Based on these findings, the Professional Standards Commission concludes that Mr. Tacke willfully violated the following principles of the Code of Ethics adopted by the State Board of Education. Idaho Code § 33-1208(1)(j).

The Commission specifically holds that Mr. Tacke’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. Tacke violated Code of Ethics Principle IV (Idaho Admin. Code r. 08.02.02.076.05) (“A professional educator exemplified honesty and integrity in the course of professional practice.”).

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Under Idaho Code § 33-1208, the Professional Standards Commission orders that the following discipline (as marked) be imposed on Mr. Tacke's certificate:

As requested in the Administrative Complaint

The discipline requested by the Chief Certification Officer in her Request for Relief in the Administrative Complaint.

Other discipline

Mr. Tacke's certificates are revoked.

Mr. Tacke's certificates are permanently revoked under Idaho Code § 33-1208(2).

Mr. Tacke's certificates are suspended for _____ years _____ months

Mr. Tacke's certificates are suspended indefinitely pending completion of the following conditions:

1. _____
2. _____
3. _____
4. _____

Mr. Tacke's certificates have the following conditions placed upon it.

1. _____
2. _____
3. _____
4. _____

A letter of reprimand will be placed in Mr. Tacke's permanent certification file.

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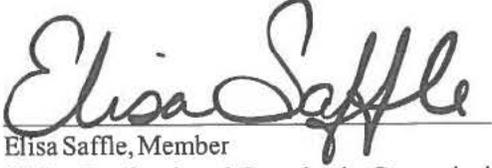
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This Order is effective on the day it is signed. This Order and the Administrative Complaint, which will be attached to this Order, are public records, and may be made available on the State Department of Education or the Commission's website.

Dated this 24 day of November, 2020.


Elisa Saffle, Member
Idaho Professional Standards Commission

RECONSIDERATION AND JUDICIAL REVIEW

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, P.O. 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 30th day of November, 2020, I caused to be served a true and correct copy of the foregoing by the following method to:

Charles Tacke

[Redacted]

via email: [Redacted]

U.S. Mail
Hand Delivery
Certified Mail, Return Receipt Requested
Overnight Mail

Email: [Redacted]

Brian Church
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

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

Email: brian.church@ag.idaho.gov
leslie.gottsch@ag.idaho.gov



Annette Schwab
Program Specialist

Idaho State Department of Education

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificates of:

Charles Tacke,

Respondent

Case No. 21901

ADMINISTRATIVE COMPLAINT

Lisa Colón Durham, Chief Certification Officer for the State of Idaho, alleges the following against Charles Tacke.

GENERAL AVERMENTS

The following general averments are adopted in each count below.

1. The Professional Standards Commission (Commission) regulates teacher certification in Idaho.

2. The Chief Certification Officer is empowered to file an administrative complaint against the certificate of a teacher or other individual certified under the authority of the Idaho State Board of Education. Idaho Code § 33-1209.

3. Charles Tacke (Mr. Tacke) holds the following certificates and endorsements issued under the authority of the Idaho State Board of Education:

- a. Interim Standard Secondary Certificate with History 6-12 and Social Studies 6-12 endorsements, effective May 31, 2016, through August 31, 2019.
- b. (prior, lapsed certificate) Standard Secondary Certificate with History 6-12 and Social Studies 6-12 endorsements, effective September 1, 1995, through August 31, 2000.

4. In March 2018, Mr. Tacke resigned from his position as a teacher at Bishop Kelly High School.

5. In April 2018, the Chief Certification Officer for the State of Idaho informed Mr. Tacke that a complaint had been filed alleging that he “[u]sed a school computer to view pornography” and that an investigation would be conducted.

6. As a result of that investigation, but after the application and interview described below, Mr. Tacke stipulated that he had “deliberately viewed pornography on pornographic websites using the Bishop Kelly-issued laptop computer”, and acknowledged that there was sufficient evidence to support a finding of a violation of Idaho Code § 33-1208(1)(j) and Code of Ethics Principle V (“A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes, but is not limited to: f. Use of school computers to deliberately view or print pornography”). See Stipulation, Case No. 21810, and Consent Order adopting the stipulation dated November 16, 2018, and the accompanying letter of reprimand, available at <http://sde.idaho.gov/cert-psc/psc/ethics/files/final-orders/11-2018/Tacke-Charles-Stipulation.pdf>

7. In or about July 2018, Mr. Tacke applied for a position with the West Ada School District. In his application, Mr. Tacke answered “Yes” to the question, “Have you ever been referred to the Idaho Professional Standards Commission or any state equivalent?” Where the application prompted for an explanation, Mr. Tacke wrote, “I would like to explain it to the hiring committee face to face.” Mr. Tacke also answered “Yes” to the question, “Have you ever failed to be rehired, been asked to resign a position, resigned to avoid termination, or terminated from employment?” When prompted for an explanation for this question, Mr. Tacke wrote, “I would like to explain it to the hiring committee face to face.”

8. In the application’s experience section, Mr. Tacke listed his most recent, relevant work experience as a teacher at Bishop Kelly High School, and in response to “Reason for Leaving:”, Mr. Tacke wrote, “Felt better to leave than to stay.”

9. On or about July 17, 2018, Mr. Tacke was interviewed for a position by the principal of Meridian Middle School, and was asked about his response “Felt better to leave than to stay.” During that interview, Mr. Tacke had identified that he was having personal struggles with theology and that there were other reasons, but he did not identify that he had viewed pornography or that he was asked to resign in lieu of termination. During or immediately after the

interview, Mr. Tacke was offered a position with Meridian Middle School, subject to a check with his references.

10. The day after Mr. Tacke was offered a position with the West Ada School District, Mr. Tacke visited with the principal of Meridian Middle School, stating he needed to speak with her. That discussion focused on conduct at Bishop Kelly and his interaction with one of his job references, the principal at Bishop Kelly.

11. During this post-interview meeting Mr. Tacke informed the Median Middle School principal that he had gone to Bishop Kelly to watch a basketball game on his computer, but the website he used had pornography on it, and it was not his intent to watch pornography. Mr. Tacke also informed the Meridian Middle School principal that the Bishop Kelly principal had spoken to him about his computer usage.

12. The West Ada School District then hired Mr. Tacke as a certificated employee.

13. At some time, and with Mr. Tacke's release, the West Ada School District obtained a copy of Mr. Tacke's personnel file. That personnel file revealed that Mr. Tacke was informed by Bishop Kelly's principal of the administration's decision to offer to accept his resignation in lieu of termination for breach of policy.

14. The West Ada School District then began an investigation into Mr. Tacke, but before that investigation was completed Mr. Tacke resigned from the West Ada School District.

COUNT I

15. Mr. Tacke's conduct or course of conduct willfully violated a code of ethics principle, adopted by the Idaho State Board of Education. Idaho Code § 33-1208(1)(j). Specifically, Mr. Tacke violated Code of Ethics Principle IV (Idaho Admin. Code r. 08.02.02.076.05) ("Principle IV - Professional Integrity. A professional educator exemplifies honesty and integrity in the course of professional practice.")

REQUEST FOR RELIEF

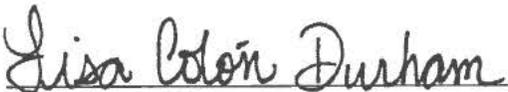
The Chief Certification Officer requests that the Commission grant the following relief, as permitted under Idaho Code §§ 33-1208 and 33-1209.

1. That if Mr. Tacke does not request a hearing, the Commission impose a two-year fixed suspension from the date of its final order.

2. That if Mr. Tacke requests a hearing, a hearing be conducted before a hearing panel, where the Chief Certification Officer and Mr. Tacke may present evidence concerning the allegations in this Administrative Complaint, to aid the hearing panel in determining whether Mr. Tacke's certificates should be disciplined and, if so, what discipline should be imposed.

3. Any other relief that would be just under the circumstances.

DATED this 3 day of May, 2019.


LISA COLÓN DURHAM
Chief Certification Officer

Attorney for the
Chief Certification Officer
Brian V. Church
Deputy Attorney General
PO Box 83720
Boise, ID 83720-0010
(208) 334-2400
brian.church@ag.idaho.gov

NOTIFICATION OF PROCEDURAL RIGHTS

The Professional Standards Commission wishes to notify you of the following rights.

An administrative action has been initiated against your certificate(s). Under Idaho Code § 33-1209, if you wish to contest the allegations set forth in the administrative complaint, you must request a hearing. This request must be (1) made not more than 30 days after the date of service (mailing) of the administrative complaint, (2) in writing, and (3) addressed to the state superintendent of public instruction. **If you do not request a hearing or do not comply with the requirements for requesting a hearing, the allegations in this administrative complaint will be treated as admitted under Idaho Code § 33-1209(3).**

In response to this administrative complaint, you may file an answer to this administrative complaint, but you must file the answer at least 30 days prior to the day of the hearing.

You have the right to be represented by legal counsel, at your own expense, during this administrative proceeding. In addition, you are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents, and other things relevant to the proceedings.

This administrative proceeding is governed by provisions of the Idaho Code, including the Idaho Administrative Procedure Act, and by provisions of the Idaho Administrative Code, including the Idaho Rules of Administrative Procedure of the Attorney General that have been adopted by the Board of Education. You may access these laws and rules online or via the Idaho State Law Library.

To request a hearing, you must deliver your request to the following address or fax number:

Sherri Ybarra
Superintendent of Public Instruction
Re: Professional Standards Commission Hearing
650 West State Street, Room 200
P.O. Box 83720
Boise, ID 83720-0027
Telephone: (208) 332-6800
Facsimile: (208) 334-2228

The State Department of Education receives mailed or hand-delivered documents between the hours of 8:00 a.m. and 5:00 p.m. (mountain time) except Saturdays, Sundays, and holidays. The State Department of Education does permit the filing of facsimile copies of documents that do not exceed ten pages, provided that the facsimile transmission is legible and is received before 5:00 p.m. on its due date. It shall be the responsibility of the filing party to verify with the staff of the State Department of Education that any facsimile transmission is successfully received and legible in its entirety.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of May, 2019, I caused to be served a true and correct copy of the foregoing by the following method to:

Chuck Tacke

[Redacted]

via email: [Redacted]

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

*Attorney for the
Chief Certification Officer*
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

Annette Schwab

Annette Schwab
Program Specialist
Idaho State Department of Education