

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Case No. 21925

Richard Sobers,

STIPULATION

Respondent

BACKGROUND

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

STIPULATION

1. This is an agreement (Stipulation) between Richard Sobers (Mr. Sobers) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).
2. If Mr. Sobers 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 or before **December 6, 2019**, unless he has been granted an extension.
3. After Mr. Sobers 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)

A. STIPULATED FACTS AND LAW

5. The Commission regulates teacher certification in Idaho.
6. Mr. Sobers holds the following certificate and endorsements issued under the authority of the Idaho State Board of Education:
 - a. Standard Secondary Certificate with History (6-12) and World Language-German (6-12) endorsements, effective August 18, 2017, through August 31, 2022.
7. Mr. Sobers was employed by the Jerome School District (“District”) for the 2018-2019 school year as a teacher at the Jerome Middle School.
8. Before teaching at the Jerome Middle School, Mr. Sobers had taught at another school where he was provided a plan to support instructional improvement.
9. As part of this plan, Mr. Sobers was to “work to improve communication skills with students - i.e., use good judgment regarding the use of comments - avoid inappropriate words, sexual innuendos and anything that does not add positive educational value to the curriculum.”
10. Once during the 2017-2018 school year at Jerome Middle School, the principal reminded Mr. Sobers about language that was not in keeping with the actions of a Professional Idaho Educator.
11. Mr. Sobers was reminded again on two occasions by the principal before March 19, 2019, during the 2018-2019 school year.

12. During the 2018-2019 school year, Mr. Sobers engaged in conduct that was inappropriate.

13. He would, on occasion, use mild swear words while at work and make jokes that may be considered by some to be in poor taste.

14. A female student alleged that Mr. Sobers told her she could be a porn star. Mr. Sobers vehemently denies that this occurred. This same student recorded part of a lecture by Mr. Sobers on or around April 16, 2019, when he was teaching an 8th grade class.

15. During that class period, Mr. Sobers was discussing addiction and began discussing pornography.

16. He stated that an individual got expelled from high school for selling porn to other students.

17. He then began discussing a former colleague and stated that she had a daughter who was a cheerleader and stated that “every inch of this daughter’s body was hot.”

18. He then stated that the marriage between his former colleague and her spouse was ruined because he would not stop looking at porn.

19. Mr. Sobers questioned why the husband would do that when he had a “hot wife.”

20. During this same year, on or around April 26, 2019, Mr. Sobers was in the middle school cafeteria for a group picture.

21. At that time, a district employee came into the room and took her jacket off.

22. Mr. Sobers then began humming the “strip tease” song very loudly.

23. The middle school principal asked Mr. Sobers to stop, and he immediately did so.

24. Also during the same school year, a paraprofessional who worked at the school alleged that Mr. Sobers would make inappropriate comments to her.

25. This same paraprofessional alleged that she encountered Mr. Sobers at a local store and he asked her about the hat in her cart to which she responded that the reindeer hats with the horns were on the other side of the store.

26. To this comment, the paraprofessional stated that Mr. Sobers asked “If I wear that hat will you think I look horny?” Mr. Sobers denies this, and instead admits that he said “Wearing that might make me look horny,” never implying what she would or would not think about it.

27. The next day Mr. Sobers was sitting in the cafeteria and motioned for the paraprofessional to come to him.

28. When she refused, Mr. Sobers called her name, saying, “I need to speak with you.”

29. The paraprofessional walked over to Mr. Sobers and said she did not want to talk with him.

30. Mr. Sobers apologized to the paraprofessional stating that he was out of line the previous day, to which she replied that he certainly was, after which they parted ways.

31. Two or three days after this event occurred Mr. Sobers was informed that a complaint had been made by this paraprofessional to the school principal. Mr. Sobers was informed of this and subsequently instructed by the principal to take the Safe Schools Sexual Harassment Training and avoid further contact with that individual. Mr. Sobers complied with these instructions.

32. The paraprofessional subsequently resigned on June 5, 2019, stating that she did not feel safe with Mr. Sobers.

33. The Executive Committee determined that probable cause exists for initiating an administrative action against Mr. Sobers for violating the following laws and rule governing teacher certification:

- a. Mr. Sobers'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. Sobers violated Code of Ethics Principle X (Idaho Admin. Code r. 08.02.02.076.11) ("A professional educator ensures just and equitable treatment for all members of the profession in the exercise of academic freedom, professional rights and responsibilities while following generally recognized professional principles.").
- b. Mr. Sobers'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. Sobers violated 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.").

34. Mr. Sobers admits that he violated the laws and rules cited in paragraph 36 and acknowledges that there is sufficient evidence to support a finding of a violation of the laws and rule cited in paragraph 36.

B. STIPULATED DISCIPLINE

35. If this Stipulation is approved by the Commission, the following discipline will be imposed by the Commission on Mr. Sobers's certificate:

- a. The Commission will issue a letter of reprimand.
- b. Mr. Sobers must take a Commission approved boundary course that may not be used for renewal purposes.

36. Any costs associated with Mr. Sobers's compliance with the terms of this Stipulation are his responsibility.

C. PRESENTATION OF THIS STIPULATION

37. Once Mr. Sobers 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.

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

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

D. WAIVER OF RIGHTS

40. If this Stipulation is approved by the Commission, Mr. Sobers 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.

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

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

F. GENERAL ACKNOWLEDGMENTS

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

44. 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.

45. Mr. Sobers 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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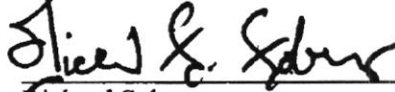
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Respondent

The respondent, Richard Sobers, agrees to this Stipulation.

DATED this 7th day of January, 2020.



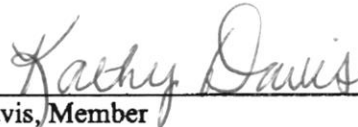
Richard Sobers
Respondent

Executive Committee

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

DATED this 17th day of January, 2020.

IDAHO PROFESSIONAL STANDARDS COMMISSION
EXECUTIVE COMMITTEE



Kathy Davis, Member

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Richard Sobers

Respondent

Case No. 21925

CONSENT ORDER

The Professional Standards Commission orders that the Stipulation, entered between Richard Sobers 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 17 day of January, 2020. The discipline listed in the Stipulation is imposed on Richard Sobers's certificate under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Richard Sobers has waived the right of judicial review.

IDAHO PROFESSIONAL STANDARDS COMMISSION



Elisa Saffle, Member

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of January, 2020, I caused to be served a true and correct copy of the foregoing by the following method to:

Richard Sobers, Respondent
c/o Paul Stark, General Counsel
Attorney for Respondent
Idaho Education Association
620 N. 6th St.
Boise, ID 83702

- U.S. Mail
- Hand Delivery
- Certified Mail, Return Receipt Requested
- Overnight Mail
- Facsimile: (208) 344-1606
- Email: pstark@idahoea.org
lrietze@idahoea.org

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
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: Richard Sobers
Professional Standards Commission Case No. 21925

LETTER OF REPRIMAND

The Professional Standards Commission issues a formal reprimand to Richard Sobers.

The Executive Committee found that probable cause existed to warrant the filing of an administrative complaint against Mr. Sobers's certificate by the Chief Certification Officer. In lieu of filing an answer, Mr. Sobers entered into stipulated discipline. The full Professional Standards Commission considered his 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. Sobers's use of inappropriate language while teaching in a class room of 8th graders, a violation of Code of Ethics Principle II, and for use of inappropriate language and harassment against two female colleagues, which are separate violations of Code of Ethics Principle X. Mr. Sobers is hereby reprimanded for such behavior. The Chief Certification Officer is directed to issue and place this letter of reprimand in Mr. Sobers's certification file.

Dated this 21 day of January, 2020.

IDAHO STATE DEPARTMENT OF EDUCATION

Lisa Colon Durham, Chief Certification Officer

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