

## IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificatecertificates of:

Michael R. Fitch,

Respondent

Case No. 2161722003

### **FINAL ORDER**

The Chief Certification Officer for the State of Idaho filed an Administrative Complaint against the educator certificates issued to Michael R. Fitch, seeking for the Professional Standards Commission to impose discipline on Mr. Fitch's certificates. See Idaho Code § 33-1209. Because Mr. Fitch did not request a hearing within 30 days, and because Mr. Fitch 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. Fitch willfully violated the following principles of the Code of Ethics adopted by the State Board of Education. Idaho Code § 33-1208(1)(j).

Mr. Fitch'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. Fitch violated Code of Ethics Principle X (Idaho Admin. Code r. 08.02.02.076.11) ("Any conduct that seriously impairs the Certificate holder's ability to teach or perform his professional duties.").

Mr. Fitch'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. Fitch violated Code of Ethics Principle V (Idaho Admin. Code r. 08.02.02.076.06) (“A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility.”)

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

*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. Fitch’s certificate is revoked.

Mr. Fitch’s certificate is permanently revoked under Idaho Code § 33-1208(2).

Mr. Fitch’s certificate is suspended for \_\_\_\_\_ years \_\_\_\_\_ months

Mr. Fitch’s certificate is suspended indefinitely pending completion of the following conditions:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

Mr. Fitch’s certificate has the following conditions placed upon it.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

A letter of reprimand will be placed in Mr. Fitch’s permanent certification file.

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 2 day of February, 2021.

  
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 \_\_\_\_\_<sup>th</sup> day of February, 2021, I caused to be served a true and correct copy of the foregoing by the following method to:

Michael R. Fitch



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

Robert A. Berry  
Deputy Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

- U.S. Mail  
Hand Delivery  
Certified Mail, Return Receipt Requested  
Facsimile:
- Email: [robert.berry@ag.idaho.gov](mailto:robert.berry@ag.idaho.gov)  
[leslie.gottsch@ag.idaho.gov](mailto:leslie.gottsch@ag.idaho.gov)

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Annette Schwab  
Program Specialist

Idaho State Department of Education



**IDAHO PROFESSIONAL STANDARDS COMMISSION**

In the matter of the certificates of:

Michael R. Fitch,

Respondent

Case No. 22003

**ADMINISTRATIVE COMPLAINT**

Lisa Colón Durham, Chief Certification Officer for the State of Idaho, alleges the following against Michael R. Fitch.

**GENERAL AVERMENTS**

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. Mr. Fitch holds the following certificates and endorsements issued under the authority of the Idaho State Board of Education:

- a. Administrator Certificate with School Principal (Pre-K-12) endorsement, effective September 1, 2018, through August 31, 2023; and
- b. Standard Instructional Certificate with Social Studies (6-12) and History (6-12) endorsements, effective September 1, 2018, through August 31, 2023.

4. Mr. Fitch was employed by the Fruitland School District #373 for the 2018-2019 school year as principal of Fruitland High School, and had been the principal since 2010.

5. M.W. was hired as the college and career coordinator on or around August 27, 2018, at Fruitland High School.

6. As principal of Fruitland High School, Respondent was M.W.'s direct supervisor and evaluator.

7. In September of 2018 M.W. was heading to the copy room to make copies and Respondent told M.W. that he had a surprise for her and wanted to meet her at the copy room.

8. When M.W. arrived at the copy room, Respondent took her hand and placed it on Respondent's erect penis.

9. Respondent, either personally or through pseudonym, subsequently began sending erotic stories and/or inappropriate pictures to M.W., some of which occurred during school hours while Respondent served as principal of Fruitland High School.

10. The erotic stories suggested Respondent wanted M.W. to engage in sexually related acts and requested feedback from her.

11. M.W. did not initially object or tell Respondent to stop sending erotic stories and/or inappropriate pictures, likely due to his position as her direct supervisor and evaluator.

12. Sexual overtures continued through verbal and online communications in September and October and during school hours while Respondent served as principal.

13. Eventually, M.W. told Respondent to stop sending erotic stories and/or inappropriate pictures, but he sent several more.

14. Respondent's actions severely affected M.W.'s ability to work at Fruitland High School.

### **Count I**

15. Mr. Fitch'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. Fitch 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.”).

### **Count II**

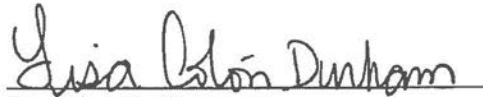
16. Mr. Fitch’s conduct or course of conduct willfully violated a principle of the code of ethics that was adopted by the Idaho State Board of Education. Idaho Code § 33-1208(1)(j) (“Willful violation of any professional code or standard of ethics or conduct, adopted by the state board of education”). Specifically, Mr. Fitch violated Code of Ethics Principle V. (Idaho Admin. Code r. 08.02.02.076.06) (“A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility.”).

### **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. Revoke Mr. Fitch’s certificates.
2. That if Mr. Fitch requests a hearing, a hearing be conducted before a hearing panel, where the Chief Certification Officer and Mr. Fitch may present evidence concerning the allegations in this Administrative Complaint, to aid the hearing panel in determining whether Mr. Fitch’s certificate should be disciplined and, if so, what discipline should be imposed.
3. That after a hearing, the waiver of a hearing, or Mr. Fitch’s failure to file an Answer to this Administrative Complaint, the hearing panel issue findings of fact and conclusions of law finding the violations of law alleged herein.
4. Any other relief that would be just under the circumstances.

DATED this 8 day of July, 2020.



LISA COLÓN DURHAM  
Chief Certification Officer

*Attorney for the*  
*Chief Certification Officer*  
Robert A. Berry  
Deputy Attorney General  
PO Box 83720  
Boise, ID 83720-0010  
(208) 334-2400  
[robert.berry@ag.idaho.gov](mailto:robert.berry@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 must file an answer pursuant to IDAPA rule 04.11.01.270, 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 permits 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 9<sup>th</sup> day of July, 2020, I caused to be served a true and correct copy of the foregoing by the following method to:

Michel F. Fitch, Respondent

[REDACTED]

- U.S. Mail
- Hand Delivery
- Certified Mail, Return Receipt Requested
- Overnight Mail
- Facsimile: (208) 344-1606
- 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  
lelie.gottsch@ag.idaho.gov

*Annette Schwab*

Annette Schwab  
Program Specialist  
Idaho State Department of Education