

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Todd Jensen,

Respondent

Case No. 22011

STIPULATION

BACKGROUND

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

STIPULATION

1. This is an agreement (Stipulation) between Todd Jensen (Mr. Jensen) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).
2. If Mr. Jensen 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 **November 6, 2020**, unless he has been granted an extension.
3. After Mr. Jensen 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. Jensen holds the following certificate and endorsements issued under the authority of the Idaho State Board of Education:
 - a. Standard Secondary Certificate with Physical Education (PE) (6-12) and Health (6-12) endorsements, effective September 1, 2017, through August 31, 2022.
7. Mr. Jensen was employed by the Murtaugh Joint School District teacher during 2019-2020 school year.
8. During this school year in a PE/weights class, Respondent took a student's phone, opened its SnapChat application, and took a picture of another student as they walked out of the locker room.
9. Mr. Jensen wrote "fag" on the SnapChat picture and sent it to another student in the class.
10. The Executive Committee determined that probable cause exists for initiating an administrative action against Mr. Jensen for violating the following laws and rule governing teacher certification:
 - a. Mr. Jensen'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. Jensen 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.”).

11. Mr. Jensen admits that he violated the laws and rules cited in paragraph 10 and acknowledges that there is sufficient evidence to support a finding of a violation of the laws and rule cited in paragraph 10.

B. STIPULATED DISCIPLINE

12. If this Stipulation is approved by the Commission, the following discipline will be imposed by the Commission on Mr. Jensen’s certificate:

a. The Commission will issue a letter of reprimand.

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

C. PRESENTATION OF THIS STIPULATION

14. Once Mr. Jensen 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.

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

16. If the Commission modifies this Stipulation, it must receive Mr. Jensen’s approval on any modification before the Stipulation is effective.

D. WAIVER OF RIGHTS

17. If this Stipulation is approved by the Commission, Mr. Jensen 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.

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

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

F. GENERAL ACKNOWLEDGMENTS

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

21. 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.

22. Mr. Jensen 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.

//

Respondent

The respondent, Todd Jensen, agrees to this Stipulation.

DATED this 4th day of December, 2020.



Todd Jensen
Respondent

Executive Committee

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

DATED this 1st day of February, 2021
~~day of November, 2020.~~

IDAHO PROFESSIONAL STANDARDS COMMISSION
EXECUTIVE COMMITTEE



Kathy Davis, Member

IDAHO PROFESSIONAL STANDARDS COMMISSION

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Respondent

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CONSENT ORDER

The Professional Standards Commission orders that the Stipulation, entered between Todd Jensen 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 2 day of February, 2021. The discipline listed in the Stipulation is imposed on Todd Jensen's certificate under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Todd Jensen has waived the right of judicial review.

IDAHO PROFESSIONAL STANDARDS COMMISSION


Elisa Saffle, Member

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd February day of ~~January~~, 2021, I caused to be served a true and correct copy of the foregoing by the following method to:

Todd Jensen, Respondent



- 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
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: Todd Jensen
Professional Standards Commission Case No. 22011

LETTER OF REPRIMAND

The Professional Standards Commission issues a formal reprimand to Todd Jensen.

The Executive Committee found that probable cause existed to warrant the filing of an administrative complaint against Mr. Jensen's certificate by the Chief Certification Officer. In lieu of filing an answer, Mr. Jensen 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. Jensen's failure to maintain a professional relationship with students through the use of inappropriate language. The Code of Ethics Principle involved in this letter of reprimand is Code of Ethics Principle II. Mr. Jensen is hereby reprimanded for such behavior. The Chief Certification Officer is directed to issue and place this letter of reprimand in Mr. Jensen's certification file.

Dated this 3 day of February, 2021.

IDAHO STATE DEPARTMENT OF EDUCATION

A handwritten signature in black ink that reads "Lisa Colon Durham".

Lisa Colon Durham, Chief Certification Officer

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