

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate certificate of:

Case No. 2161722016

Amy Poole,

FINAL ORDER

Respondent

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

Ms. Poole’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, Ms. Poole violated Code of Ethics Principle III. (Idaho Admin. Code r. 08.02.02.076.04) (“A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice.”).

Ms. Poole’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, Ms. Poole 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 Ms. Poole’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

Ms. Poole’s certificate is revoked.

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

Ms. Poole’s certificate is suspended for _____ years _____ months

Ms. Poole’s certificate is suspended indefinitely pending completion of the following conditions:

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

Ms. Poole’s certificate has the following conditions placed upon it.

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

A letter of reprimand will be placed in Ms. Poole’s permanent certification file.

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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 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

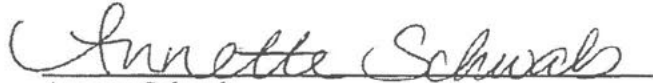
I hereby certify that on this 31st day of February, 2021, I caused to be served a true and correct copy of the foregoing by the following method to:

Amy Poole


- 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
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: Amy Poole
Professional Standards Commission Case No. 22016

LETTER OF REPRIMAND

The Professional Standards Commission issues a formal reprimand to Amy Poole.

The Executive Committee found that probable cause existed to warrant the filing of an administrative complaint against Ms. Poole's certificate by the Chief Certification Officer. After an administrative complaint was filed, Ms. Poole did not file an answer and an order of default was then entered. The full Professional Standards Commission considered her case and adopted the discipline recommended by the Executive Committee in the administrative complaint. Accordingly, a letter of reprimand is now issued based upon Ms. Poole having three vape cartridges in her desk at school which tested positive for THC (tetrahydrocannabinol), a chemical responsible for most of marijuana's psychological effects. The Code of Ethics Principles involved in this letter of reprimand are Code of Ethics Principles III and V. Ms. Poole is hereby reprimanded for such behavior. The Chief Certification Officer is directed to issue and place this letter of reprimand in Ms. Poole's certification file.

Dated this 3 day of February, 2021.

IDAHO STATE DEPARTMENT OF EDUCATION

Lisa Colon Durham, Chief Certification Officer

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

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Amy Poole,

Respondent

Case No. 22016

ADMINISTRATIVE COMPLAINT

Lisa Colón Durham, Chief Certification Officer for the State of Idaho, alleges the following against Amy Poole (“Respondent”).

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. Ms. Poole holds the following certificates and endorsements issued under the authority of the Idaho State Board of Education:
 - a. Standard Instructional Certificate with an Exceptional Child Generalist (K-12) endorsement, effective June 20, 2018, through August 31, 2021.
4. Ms. Poole was employed by the Fremont Joint School District (“District”) for the 2019-2020 school year as a special education teacher.
5. On December 4, 2019, three vape cartridges were found in Respondent’s desk at school, which tested positive for THC (tetrahydrocannabinol), a chemical responsible for most of marijuana’s psychological effects.
6. Respondent subsequently resigned her position with the District.

Count I

7. Ms. Poole'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, Ms. Poole violated Code of Ethics Principle III. (Idaho Admin. Code r. 08.02.02.076.04) ("A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice.").

Count II

8. Ms. Poole'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, Ms. Poole 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. Issue a letter of reprimand.
2. That if Ms. Poole requests a hearing, a hearing be conducted before a hearing panel, where the Chief Certification Officer and Ms. Poole may present evidence concerning the allegations in the Administrative Complaint, to aid the hearing panel in determining whether Ms. Poole's certificate should be disciplined and, if so, what discipline should be imposed.

3. That after a hearing, the waiver of a hearing, or Ms. Poole's failure to file an Answer to the 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 the 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

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. The 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 the administrative complaint will be treated as admitted under Idaho Code § 33-1209(3).**

In response to the 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 the 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.

The 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 the 17th day of July, 2020, I caused to be served a true and correct copy of the foregoing by the following method to:

Amy Poole, 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

Annette Schwab
Program Specialist
Idaho State Department of Education