

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Robby D. Hindberg,

Respondent

Case No. 22220

STIPULATION

BACKGROUND

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

STIPULATION

1. This is an agreement (Stipulation) between Robby D. Hindberg (Mr. Hindberg) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).
2. If Mr. Hindberg 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 December 23, 2022, unless he has been granted an extension.
3. After Mr. Hindberg 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 email, mail or fax to:

Professional Standards Commission

650 W. State St. 2nd Floor

P.O. Box 83720

Boise, ID 83720-0027

Fax: (208) 334-2228 (Attn: Professional Standards Commission)

Email: ASchwab@sde.idaho.gov

A. STIPULATED FACTS AND LAW

5. The Commission regulates educator certification in Idaho.

6. Mr. Hindberg held and holds the following certificate and endorsement issued

under the authority of the Idaho State Board of Education:

- a. Standard Instructional Certificate with Mathematics (6-12) endorsement, effective September 1, 2018, through August 31, 2023.

7. Mr. Hindberg is a longtime employee of the Boise School District as a math teacher.

8. During the 2021-2022 school year, Mr. Hindberg taught math at Borah High School.

9. Shortly after spring break in 2022, a female student refused to stand for the Pledge of Allegiance.

10. She and another student regularly refused to stand for the Pledge of Allegiance.

11. However, on this occasion, Mr. Hindberg knew that the student had just been in Mexico and stated something to the effect that “I bet if that was the pledge of Mexico you would stand.”

12. In Mr. Hindberg’s view, he meant it as a joke, but the student did not understand it that way.

13. Mr. Hindberg then physically pulled the student's mask off her face, and released it, so that it snapped back into her face, making her feel uncomfortable.

14. The Executive Committee determined that probable cause exists for initiating an administrative action against Mr. Hindberg for violating the following laws and rules governing educator certification:

- a. Mr. Hindberg'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. Hindberg 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 classroom.").

15. Mr. Hindberg denies that he violated the laws and rules cited in paragraph 14 but acknowledges that there is sufficient evidence to support a finding of a violation of the laws and rules cited in paragraph 14.

B. STIPULATED DISCIPLINE

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

- a. A letter of reprimand will be issued and placed in Mr. Hindberg's certification file.
- b. Mr. Hindberg must take a boundaries course and a cultural responsiveness course, both of which may not be used for renewal purposes.

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

18. During the pendency of this Stipulation Mr. Hindberg will comply with all laws and rules governing educator certification in Idaho.

C. PRESENTATION OF THIS STIPULATION

19. Once Mr. Hindberg 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.

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

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

D. WAIVER OF RIGHTS

22. If this Stipulation is approved by the Commission, Mr. Hindberg 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;

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

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

E. GENERAL ACKNOWLEDGMENTS

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

26. 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.

27. Mr. Hindberg 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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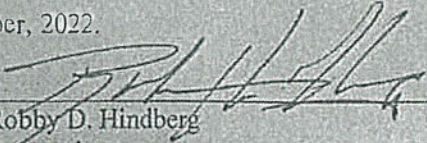
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SIGNATURES

Respondent

The Respondent, Robby D. Hindberg, agrees to this Stipulation.

DATED this 23 day of December, 2022.



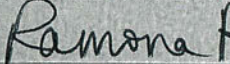
Robby D. Hindberg
Respondent

Executive Committee

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

DATED this 3rd day of February, 2023

IDAHO PROFESSIONAL STANDARDS COMMISSION
EXECUTIVE COMMITTEE



Ramona Lee, Member

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificates of:

Robby D. Hindberg,

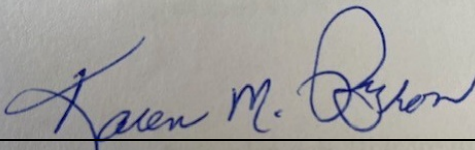
Respondent

Case No. 22220

CONSENT ORDER

The Professional Standards Commission orders that the Stipulation, entered between Robby D. Hindberg 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 3 day of February, 2023. The discipline listed in the Stipulation is imposed on Robby D. Hindberg's certificates under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Robby D. Hindberg has waived the right of judicial review.

IDAHO PROFESSIONAL STANDARDS COMMISSION



Karen M. Pyron, Member

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of February, 2023, I caused to be served a true and correct copy of the foregoing by the following method to:

Robby D. Hindberg, Respondent



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



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: Robby D. Hindberg
Professional Standards Commission Case No. 22220

LETTER OF REPRIMAND

The Professional Standards Commission issues a formal reprimand to Robby D. Hindberg.

The Executive Committee found that probable cause existed to warrant the filing of an administrative complaint against Robby D. Hindberg's certificates by the Chief Certification Officer. Mr. Hindberg entered into stipulated discipline. The full Professional Standards Commission considered the 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. Hindberg's for inappropriately snapping a female student's facemask and using inappropriate language and behavior when said student exercised her First Amendment right to sit during the pledge of allegiance, a violation of Code of Ethics Principle II. The Chief Certification Officer is directed to issue and place this letter of reprimand in Mr. Hindberg's certification file.

Dated this 7 day of February, 2023.

IDAHO STATE DEPARTMENT OF EDUCATION

Greg Wilson, Interim Chief Certification Officer

c: Jim Rice, Attorney for the Chief Certification Officer