

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Marie Donnelly,

Respondent

Case No. 21813

**FINAL ORDER**

The Chief Certification Officer for the State of Idaho filed an Administrative Complaint against the teaching certificate issued to Marie Donnelly, seeking for the Professional Standards Commission to impose discipline on Ms. Donnelly's certificate. *See* Idaho Code § 33-1209. Because Ms. Donnelly did not request a hearing within 30 days, and because Ms. Donnelly 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. Donnelly willfully violated a principle of the Code of Ethics adopted by the State Board of Education. Idaho Code § 33-1208(1)(j). The Commission specifically holds that Ms. Donnelly willfully violated Principle VIII of the Code of Ethics that provides, "A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract." Idaho Admin. Code r. 08.02.02.076.09.

Under Idaho Code § 33-1208, the Professional Standards Commission orders that the following discipline (as marked) be imposed on Ms. Donnelly'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. Donnelly's certificate is revoked.

\_\_\_\_\_ Ms. Donnelly's certificate is permanently revoked under Idaho Code § 33-1208(2).

\_\_\_\_\_ Ms. Donnelly's certificate is suspended for \_\_\_\_\_ years \_\_\_\_\_ months

\_\_\_\_\_ Ms. Donnelly's certificate is suspended indefinitely pending completion of the following conditions:

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

\_\_\_\_\_ Ms. Donnelly's certificate has the following conditions placed upon it.

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

\_\_\_\_\_ A letter of reprimand will be placed in Ms. Donnelly'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 04 day of April, 2019.

  
\_\_\_\_\_  
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 10<sup>th</sup> day of April, 2019, I caused to be served a true and correct copy of the foregoing by the following method to:


Marie Donnelly



- 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

**IDAHO PROFESSIONAL STANDARDS COMMISSION**

In the matter of the certificate of:

Marie Donnelly,

Respondent

Case No. 21813

**ADMINISTRATIVE COMPLAINT**

Lisa Colón Durham, Chief Certification Officer for the State of Idaho, alleges the following against Marie Donnelly.

**GENERAL AVERMENTS**

The following general averments are adopted in each count below.

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. Donnelly holds the following certificate and endorsements issued under the authority of the Idaho State Board of Education:

- a. Standard Secondary certificate with endorsements in Physical Education (PE)(K-12) and Health (6-12) effective March 2, 2017, through August 31, 2022.

4. Ms. Donnelly was employed by the Bruneau-Grand View Joint School District No. 365 (“BGV”) as a PE teacher at Rimrock Jr./Sr. High School for the 2017-2018 school year.

5. On April 23, 2018, Ms. Donnelly notified BGV administration by email at 6:07 am that she would not be fulfilling the remainder of her 2017-2018 school year contract and stopped showing up to work after this date.

6. Neither the BGV school board nor BGV administration approved Ms. Donnelly's resignation.

7. BGV retained a short-term substitute teacher that was then replaced by a long-term substitute teacher for the remainder of the year.

8. Ms. Donnelly thus breached her contract with BGV.

#### **COUNT I**

9. Ms. Donnelly's conduct or course of conduct violated Idaho Code § 33-1208(1)(c) ("Breach of the teaching contract").

#### **COUNT II**

10. Ms. Donnelly's conduct or course of conduct willfully violated a code of ethics principle, adopted by the Idaho State Board of Education. Idaho Code § 33-1208(1)(j). Specifically, Ms. Donnelly violated Code of Ethics Principle VIII (Idaho Admin. Code r. 08.02.02.076.09) ("A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract.").

#### **REQUEST FOR RELIEF**

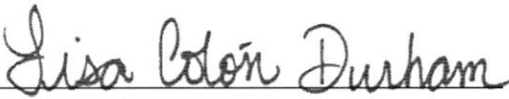
The Chief Certification Officer requests that the Commission grant the following relief, as permitted under Idaho Code §§ 33-1208 and 33-1209.

1. Suspend Ms. Donnelly's certificate for one year from the date a decision is issued by the Commission.
2. That if Ms. Donnelly requests a hearing, a hearing be conducted before a hearing panel, where the Chief Certification Officer and Ms. Donnelly may present evidence concerning the allegations in this Administrative Complaint, to aid the hearing panel in

determining whether Ms. Donnelly's certificate should be disciplined and, if so, what discipline should be imposed.

3. Any other relief that would be just under the circumstances.

DATED this 14<sup>th</sup> day of December, 2018.

  
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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 14<sup>th</sup> day of December, 2018, I caused to be served a true and correct copy of the foregoing by the following method to:

Marie Donnelly



- 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.gottsich@ag.idaho.gov



Annette Schwab  
Program Specialist  
Idaho State Department of Education



## 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 may file an answer to this administrative complaint, 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.