

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Case No. 21903

Bridget M. Durante,

STIPULATION

Respondent

BACKGROUND

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

STIPULATION

1. This is an agreement (Stipulation) between Bridget M. Durante (Ms. Durante) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).

2. If Ms. Durante wishes to agree to this Stipulation, she must sign and return this Stipulation and any attachments to the Commission by 5:00 p.m. (Mountain Time) on or before **April 26, 2019**, unless she has been granted an extension.

3. After Ms. Durante 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.

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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. Ms. Durante holds the following certificate and endorsement issued under the authority of the Idaho State Board of Education:
 - a. Standard Elementary certificate with All Subjects (K-8) endorsement, effective September 1, 2015, through August 31, 2020.
7. Ms. Durante was employed by Pocatello/Chubbuck School District #25 ("District") for the 2018-2019 school year as a classroom teacher at Indian Hills Elementary School.
8. On or about December 3, 2018, Ms. Durante was reported by the principal and several colleagues to be smelling of alcohol.
9. The principal asked Ms. Durante if she had been drinking alcohol and Ms. Durante denied having anything alcoholic since the previous Saturday.
10. The principal then escorted Ms. Durante to her room to gather some personal items.
11. Ms. Durante pointed out a tea bottle on her desk and said, "I should probably tell you that there is wine in that bottle."
12. Ms. Durante was asked if she had been drinking and she said she drank wine that morning because she knew it was going to be a hard day.
13. On December 10, 2018, Ms. Durante again admitted to bringing and consuming alcohol in her classroom during school hours.

14. The Executive Committee determined that probable cause exists for initiating an administrative action against Ms. Durante for violating the following laws and rule governing teacher certification:

- a. Ms. Durante'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. Durante 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.").

15. Ms. Durante admits that she violated the laws and rules cited in paragraph 14 and acknowledges that there is sufficient evidence to support a finding of a violation of the laws and rule 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 Ms. Durante's certificate:

- a. The Commission will revoke Ms. Durante's certificate.

17. Any costs associated with Ms. Durante's compliance with the terms of this Stipulation are her responsibility.

C. PRESENTATION OF THIS STIPULATION

18. Once Ms. Durante 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.

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

20. If the Commission modifies this Stipulation, it must receive Ms. Durante's approval on any modification before the Stipulation is effective.

D. WAIVER OF RIGHTS

21. If this Stipulation is approved by the Commission, Ms. Durante 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.

22. If this Stipulation is approved by the Commission, the Commission may impose discipline upon Ms. Durante's certificate without further process.

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

F. GENERAL ACKNOWLEDGMENTS

24. This Stipulation contains the entire agreement between the parties, and Ms. Durante is not relying on any other agreement or representation, whether verbal or written.

25. 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.

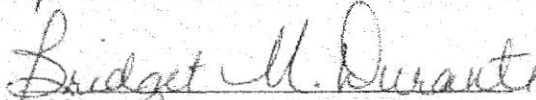
26. Ms. Durante agrees that she has read this Stipulation, has had the opportunity to discuss it with legal counsel, if she so chose, and understands that by signing below, she will be agreeing to the terms of this Stipulation.

SIGNATURES

Respondent

The respondent, Bridget M. Durante, agrees to this Stipulation.

DATED this 22nd day of April, 2019.

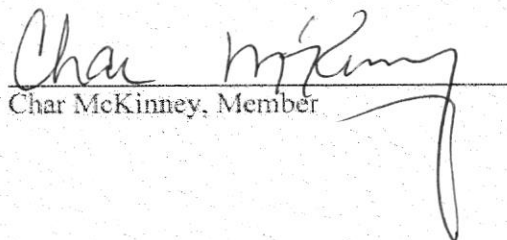

Bridget M. Durante
Respondent

Executive Committee

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

DATED this 20 day of June, 2019.

IDAHO PROFESSIONAL STANDARDS COMMISSION
EXECUTIVE COMMITTEE


Char McKinney, Member

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Bridget M. Durante

Respondent

Case No. 21903

CONSENT ORDER

The Professional Standards Commission orders that the Stipulation, entered between Bridget M. Durante 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 20th day of June, 2019. The discipline listed in the Stipulation is imposed on Bridget M. Durante's certificate under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Bridget M. Durante has waived the right of judicial review.

IDAHO PROFESSIONAL STANDARDS COMMISSION



Elisa Saffle, Member

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of June, 2019, I caused to be served a true and correct copy of the foregoing by the following method to:

Bridget M. Durante



- 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
Program Specialist
Idaho State Department of Education