

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Shawn M. Brown,

Respondent

Case No. 22111

STIPULATION

BACKGROUND

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

STIPULATION

1. This is an agreement (Stipulation) between Shawn M. Brown (Ms. Brown) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).
2. If Ms. Brown 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 April 15, 2022, unless she has been granted an extension.
3. After Ms. Brown 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:

STIPULATION - 1
Shawn M. Brown

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)

A. STIPULATED FACTS AND LAW

5. The Commission regulates educator certification in Idaho.
6. Ms. Brown holds the following certificate and endorsement issued under the authority of the Idaho State Board of Education:
 - a. Standard Instructional Certificate with All Subjects (K-8) endorsement, effective July 12, 2021, through August 31, 2024.
7. Ms. Brown was employed as an elementary science teacher by Project Impact STEM Academy for the 2021-2022 school year.
8. Before the 2021-2022 school year, Ms. Brown had been a veteran teacher with fifteen years' experience.
9. Ms. Brown entered a contract on June 10, 2021, to teach for Project Impact STEM Academy.
10. On the third day of school, Wednesday, August 25, 2021, a student in Ms. Brown's classroom smashed his chair on a desk and threw it through the air, hitting the window of the adjoining classroom.
11. The student also threw his book bin at the exit door window, as well.
12. Project Impact STEM Academy reported that the student had an IEP. Ms. Brown contends that she did not receive a copy of the student's IEP until after school on August 25, 2021, when she received a draft of a few pages of the student's IEP from the counselor.

13. Ms. Brown did not file a formal report regarding the incident when it occurred but did inform the principal of the incident after it occurred and emailed later on the night of August 25, 2021. Ms. Brown asserts that she was not given instruction to file a formal complaint, nor was she aware that a form existed to do so. Additionally, when Ms. Brown reported the complaint to the principal, she reports that she was shushed by the principal and told to put sneeze guards on desks.

14. Ms. Brown alleges that that she advised that principal that she suffered trauma/PTSD as a result of this violence, due to prior abuse for which she received years of counseling.

15. Ms. Brown asserts that she made a good faith effort to correct what she felt was an unsafe teaching environment by requesting a safety plan for the student

16. Ms. Brown subsequently did not return to school the next day, or at any time afterwards, and resigned on August 29, 2021.

17. Ms. Brown's resignation was not accepted by the Project Impact STEM Academy.

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

- a. Ms. Brown'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. Brown 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 educators or education agency for the duration of the contract.”).

19. Ms. Brown admits that she violated the laws and rules cited in paragraph 15 and acknowledges that there is sufficient evidence to support a finding of a violation of the laws and rule cited in paragraph 15.

B. STIPULATED DISCIPLINE

20. If this Stipulation is approved by the Commission, the following discipline will be imposed by the Commission on Ms. Brown’s certificate:

- a. A letter of reprimand will be issued.
- b. Ms. Brown must take an approved PSC ethics course, which may not be used for renewal purposes.

21. Any costs associated with Ms. Brown’s compliance with the terms of this Stipulation are her responsibility.

22. During the pendency of this Stipulation Ms. Brown will comply with all laws and rules governing educator certification in Idaho.

C. PRESENTATION OF THIS STIPULATION

23. Once Ms. Brown 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.

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

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

D. WAIVER OF RIGHTS

26. If this Stipulation is approved by the Commission, Ms. Brown 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.

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

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

E. GENERAL ACKNOWLEDGMENTS

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

30. 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.

31. Ms. Brown 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.

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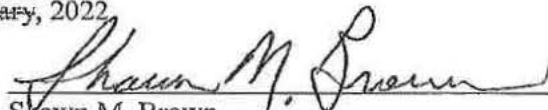
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SIGNATURES

Respondent

The Respondent, Shawn M. Brown, agrees to this Stipulation.

DATED this 15th day of April, 2022

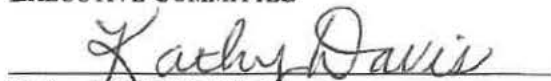

Shawn M. Brown
Respondent

Executive Committee

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

DATED this 16 day of June, 2022

IDAHO PROFESSIONAL STANDARDS COMMISSION
EXECUTIVE COMMITTEE


Kathy Davis, Member

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

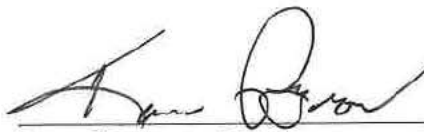
Shawn M. Brown,

Respondent

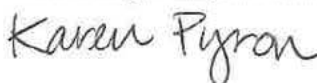
Case No. 22111
CONSENT ORDER

The Professional Standards Commission orders that the Stipulation, entered between Shawn M. Brown 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 16 day of June, 2022. The discipline listed in the Stipulation is imposed on Shawn M. Brown's certificates under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Shawn M. Brown has waived the right of judicial review.

IDAHO PROFESSIONAL STANDARDS COMMISSION



Steve Copmann, Member



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of June, 2022, I caused to be served a true and correct copy of the foregoing by the following method to:

Shawn M. Brown, 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
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
HEARING IMPAIRED
(800) 377-3529

RE: Shawn M. Brown
Professional Standards Commission Case No. 22111

LETTER OF REPRIMAND

The Professional Standards Commission issues a formal reprimand to Shawn M. Brown.

The Executive Committee found that probable cause existed to warrant the filing of an administrative complaint against Ms. Brown's certificate by the Chief Certification Officer. Ms. Brown entered 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 Ms. Brown breaching her teaching contract, a violation of Code of Ethics Principle VIII. The Chief Certification Officer is directed to issue and place this letter of reprimand in Ms. Brown's certification file.

Dated this 24th day of April, 2022.

IDAHO STATE DEPARTMENT OF EDUCATION

Bethani Studebaker, Chief Certification Officer

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