

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificates of:) Case No. 21914
))
 Jacob P.W. Carder,) STIPULATION
))
 Respondent))

BACKGROUND

The Professional Standards Commission received an allegation of unethical conduct concerning Jacob P.W. Carder (“Carder”). 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 Jacob P.W. Carder's certificates. The parties agree to the following Stipulation.

STIPULATION

This is an agreement (Stipulation) between Jacob P.W. Carder (Mr. Carder) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).

After Mr. Carder 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.

A. STIPULATED FACTS AND LAW

1. The Commission regulates teacher certification in Idaho.
2. Mr. Carder holds the following certificates and endorsements issued under the authority of the Idaho State Board of Education:

- a. Standard Secondary Certificate with Visual Arts (K-12) endorsement, effective September 1, 2016, through August 31, 2021;
 - b. Alternative Authorization/Teacher to New Certificate with Graphic/Printing Communication endorsement, expired August 31, 2019;
 - c. Limited Occupational Specialist Certificate with Graphic/Printing Communication endorsement, expired August 31, 2018.
3. Mr. Carder was employed by Twin Falls School District #411 ("District") beginning in 2011 and for the 2017-2018 and 2018-2019 school years as a classroom art teacher at Twin Falls High School.
 4. Mr. Carder completed several Safe Schools trainings since August of 2018. As part of the training, Mr. Carder answered it was only appropriate to communicate with students via social media when there was an educational purpose. One of the mandatory trainings for all staff was "Sexual Misconduct: Staff to Student." Staff were instructed that they should not follow or friend students on social media, apps, blogs or other interactive services or websites.
 5. On or about December 14, 2018, the District learned that Mr. Carder had been texting a female student since August of 2018. The student initiated the texts.
 6. Mr. Carder was this female student's senior project mentor and was required as part of the application to provide personal contact information to the student.
 7. The female student's father obtained a protection order against Mr. Carder that prevented him from being within five hundred feet of the student.
 8. No criminal complaint has been filed.

9. When the District met with Mr. Carder, he admitted to texting the student numerous times during the school year and the student provided the District with 153 pages of text messages, most of which dealt with classwork.

10. In these text messages, Mr. Carder referred to the female student as "Sweetheart" and then "SH" when she said she did not want him to get fired for calling her that. He also included text messages with a countdown app, counting down the number of days until her graduation. Mr. Carder admitted to purchasing Xbox games as a gift to the student. He sent pictures of himself asking students for feedback about his physical appearance. He sent the student a math equation that says "I Love You". He texted her messages wishing her good night or good morning.

11. The District determined there were inappropriate boundary issues with Mr. Carder.

12. Mr. Carder resigned in lieu of the District pursuing further disciplinary action.

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

a. Principle II of the Code of Ethics (IDAPA .08.02.02.076.03) adopted by the Idaho State Board of Education ("A professional educator maintains a professional relationship with all students, both inside and outside the physical and virtual classroom.").

b. Principle X(a) of the Code of Ethics (IDAPA 08.02.02.076.11.a) ("Any conduct that seriously impairs the Certificate holder's ability to teach or perform his professional duties.").

- c. 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").

14. Mr. Carder, although not admitting that he violated the laws and rules cited in paragraph 13, acknowledges that there is sufficient evidence to support a finding of a violation of the laws rules cited in paragraph 13.

B. STIPULATED DISCIPLINE

15. If this Stipulation is approved by the Commission, the following discipline will be imposed by the Commission on Mr. Carder's certificates:

- a. The Commission will suspend Mr. Carder's certificates for one year from the date the full PSC approves this stipulation and issues a consent order.
- b. Mr. Carder must complete a PSC approved ethics course and a PSC approved boundary course, both of which cannot be used for renewal purposes.
- c. Mr. Carder will continue to receive counseling from a provider of his choice until the period of certificate suspension ends.

16. Mr. Carder is responsible for any cost associated with compliance with the terms of this Stipulation.

C. PRESENTATION OF THIS STIPULATION

17. Once Mr. Carder signs this Stipulation and timely returns it to the Commission, and the Executive Committee signs this Stipulation, the Deputy Attorney General to the Commission will present this Stipulation to the Commission at the Commission's next business meeting.

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

19. If the Commission modifies this Stipulation, it must receive Mr. Carder's approval of any modification before the Stipulation is effective.

D. WAIVER OF RIGHTS

20. If this Stipulation is approved by the Commission, Mr. Carder 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.

21. If this Stipulation is approved by the Commission, the Commission may impose discipline set forth above upon Mr. Carder's certificate without further process.

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

F. GENERAL ACKNOWLEDGMENTS

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

24. 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.

25. Mr. Carder 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.

SIGNATURES

Respondent

The respondent, Jacob P. Carder, agrees to this Stipulation.

DATED this 10 day of September, 2020.

Jacob Carder
Jacob P.W. Carder Respondent

Executive Committee

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

DATED this 6th day of October, 2020.

IDAHO PROFESSIONAL STANDARDS COMMISSION EXECUTIVE COMMITTEE

Kathy Davis

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Jacob P.W. Carder

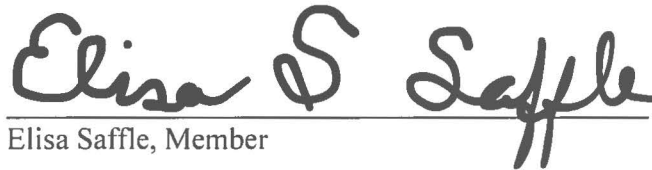
Respondent

Case No. 21914

CONSENT ORDER

The Professional Standards Commission orders that the Stipulation, entered between Jacob P.W. Carder 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 21 day of ~~September~~ ^{October}, 2020. The discipline listed in the Stipulation is imposed on Jacob P.W. Carder's certificate under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Jacob P.W. Carder has waived the right of judicial review.

IDAHO PROFESSIONAL STANDARDS COMMISSION


Elisa Saffle, Member

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30 day of November, 2020, I caused to be served a true and correct copy of the foregoing by the following method to:

Jacob P.W. Carder
c/o Marty Duran
P.O. Box 2864
Boise, ID 83701

- 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