

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificates of:

Jason B. Brower,

Respondent

Case No. 22025

STIPULATION

BACKGROUND

The Professional Standards Commission received an allegation of unethical conduct concerning Jason B. Brower. 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 Jason B. Brower's certificates. The Executive Committee has recommended the following Stipulation.

STIPULATION

1. This is an agreement (Stipulation) between Jason B. Brower (Mr. Brower) and the full Commission of the Professional Standards Commission (the Commission).
2. After the Commission approves this Stipulation, the Commission must enter the attached consent order, before this Stipulation resolves the matter.

STIPULATED FACTS AND LAW

3. The Commission regulates teacher certification in Idaho.
4. Mr. Brower holds the following certificates and endorsement issued under the authority of the Idaho State Board of Education:
 - a. Administrator Certificate with endorsement in School Principal (Pre-K-12), effective September 1, 2017, through August 31, 2022.
 - b. Standard Secondary Certificate with endorsements in Social Studies (6-12), Physical Education (PE) (6-12), and Health (6-12), all effective, September 1, 2017, through August 31, 2022.

5. Mr. Brower was employed by the Marsh Valley School District as a Principal and dual enrollment instructor during the 2018-2019 and 2019-2020 school years.

6. During the relevant times, Mr. Brower taught an American National Government class as part of a dual enrollment program with Idaho State University (“ISU”).

7. Mr. Brower anticipated teaching one class, but approximately fifty students registered for the dual enrollment class.

8. Given the size, he discussed the matter with his high school principal, superintendent and school registrar and expanded the course to a zero hour course and fourth hour class.

9. Idaho State University records reflect that Mr. Brower was teacher of record for two courses taught at zero hour and fourth hour class.

10. Mr. Brower ended up teaching all of the students who registered for the course in the fourth hour class and not zero hour.

11. ISU paid Mr. Brower to teach both classes despite teaching just the one fourth hour class.

12. At some point in time, ISU learned that Mr. Brower had been paid to teach two classes during the 2018-2019 school year despite teaching only one course.

13. ISU asked Mr. Brower about the situation, and his family repaid the stipend for the second class from 2018-2019 and considered the matter resolved.

14. During the course of these PSC proceedings, Mr. Brower has also taken and completed an ethics course.

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

- a. Mr. Brower'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. Brower violated Code of Ethics Principle IV (Idaho Admin. Code r. 08.02.02.076.05) ("A professional educator exemplifies honesty and integrity in the course of professional practice.").
- b. Mr. Brower'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. Brower violated Code of Ethics Principle VI (Idaho Admin. Code r. 08.02.02.076.07) ("A professional educator maintains integrity with students, colleagues, parents, patrons, or business personnel when accepting gifts, gratuities, favors, and additional compensation.").

16. Mr. Brower, without admitting that he violated the laws and rules cited in paragraph 15, acknowledges that there is sufficient evidence to support a finding of a violation of the laws and rule cited in paragraph 16.

STIPULATED DISCIPLINE

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

- a. Issue a letter of reprimand to be placed in his certification file.

18. Any costs associated with Mr. Brower's compliance with the terms of this Stipulation are her responsibility.

PRESENTATION OF THIS STIPULATION

19. Once Mr. Brower 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. Brower's approval on any modification before the Stipulation is effective.

WAIVER OF RIGHTS

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

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

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

GENERAL ACKNOWLEDGMENTS

25. This Stipulation contains the entire agreement between the parties, and Mr. Brower 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.

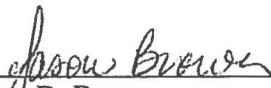
27. Mr. Brower agrees that he has read this Stipulation, has had the opportunity to discuss it with legal counsel, if he so chose, and understands that by signing below, he will be agreeing to the terms of this Stipulation.

SIGNATURES

Respondent

The respondent, Jason B. Brower, agrees to this Stipulation.

DATED this 15 day of September, 2021.



Jason B. Brower
Respondent

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificates of:

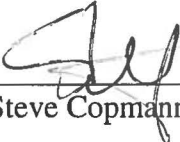
Jason B. Brower

Respondent

Case No. 22025
CONSENT ORDER

The Professional Standards Commission orders that the Stipulation, entered between Jason B. Brower 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 17 day of September, 2021. The discipline listed in the Stipulation is imposed on Jason B. Brower's certificates under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Jason B. Brower has waived the right of judicial review.

IDAHO PROFESSIONAL STANDARDS COMMISSION



Steve Copmann, Member

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of September, 2021, I caused to be served a true and correct copy of the foregoing by the following method to:

Jason B. Brower, Respondent
C/O Reed Larsen
Cooper & Larsen, Chtd.
151 N. 3rd Ave., 2nd Floor
Pocatello, ID 83205

- 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



Helen Henderson
Coordinator
Idaho State Department of Education



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PROFESSIONAL STANDARDS COMMISSION
STATE DEPARTMENT OF EDUCATION
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(208) 334-2228
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(800) 377-3529

RE: Jason B. Brower
Professional Standards Commission Case No. 22025

LETTER OF REPRIMAND

The Professional Standards Commission issues a formal reprimand to Jason B. Brower.

The Executive Committee found that probable cause existed to warrant the filing of an administrative complaint against Mr. Brower's certificates by the Chief Certification Officer. Mr. Brower 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. Brower providing the appearance that he was teaching two sections, receiving payment for two sections, and in fact only teaching the class as one section, a violation of Code of Ethics Principle IV & VI. The Chief Certification Officer is directed to issue and place this letter of reprimand in Mr. Brower's certification file.

Dated this 20 day of September, 2021.

IDAHO STATE DEPARTMENT OF EDUCATION



Lisa Colon Durham, Chief Certification Officer

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