

**IDAHO PROFESSIONAL STANDARDS COMMISSION**

In the matter of the certificate of:

Kari Berkshire,

Respondent

Case No. 21919

**STIPULATION**

**BACKGROUND**

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

**STIPULATION**

1. This is an agreement (Stipulation) between Kari Berkshire (Ms. Berkshire) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).
2. If Ms. Berkshire 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 **October 11, 2019**, unless she has been granted an extension.
3. After Ms. Berkshire 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. Berkshire holds the following certificate and endorsements issued under the authority of the Idaho State Board of Education:
  - a. Standard Instructional certificate with All Subjects (K-8) and Literacy (K-12) endorsements, effective September 1, 2018, through August 31, 2023.
7. Ms. Berkshire was a teacher at Heyburn Elementary for the 2018-2019 school year.
8. On April 12, 2019, Ms. Berkshire was stopped by a Benewah County police officer for a traffic concern.
9. During the stop by the Benewah County police officer, a drug dog alerted on Ms. Berkshire's vehicle.
10. The superintendent of St. Maries School District No. 41 subsequently asked Ms. Berkshire to take a drug test.
11. The results of the drug test came back positive for methamphetamine and amphetamine.
12. The Executive Committee determined that probable cause exists for initiating an administrative action against Ms. Berkshire for violating the following laws and rule governing teacher certification:
  - a. Ms. Berkshire'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. Berkshire 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.”).

13. Ms. Berkshire admits that she violated the laws and rules cited in paragraph 12, and acknowledges that there is sufficient evidence to support a finding of a violation of the laws and rules cited in paragraph 12.

#### **B. STIPULATED DISCIPLINE**

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

- a. Suspend Ms. Berkshire’s certificate for two years from the date the full Commission approves this Stipulation and issues a consent order.
- b. The two year suspension will not be lifted until medical verification is received demonstrating that Ms. Berkshire may return to work and has the ability to perform all of her duties as a teacher.

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

#### **C. PRESENTATION OF THIS STIPULATION**

16. Once Ms. Berkshire 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.

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

18. If the Commission modifies this Stipulation, it must receive Ms. Berkshire’s approval on any modification before the Stipulation is effective.

#### **D. WAIVER OF RIGHTS**

19. If this Stipulation is approved by the Commission, Ms. Berkshire 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.

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

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

#### **F. GENERAL ACKNOWLEDGMENTS**

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

23. 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.

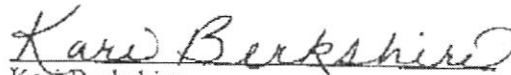
24. Ms. Berkshire agrees that she has read this Stipulation, has had the opportunity to discuss it with legal counsel, if she so chose, and understands that by signing below, she will be agreeing to the terms of this Stipulation.

### SIGNATURES

#### Respondent

The respondent, Kari Berkshire, agrees to this Stipulation.

DATED this 16<sup>th</sup> day of October, 2019.


  
Kari Berkshire  
Respondent

#### Executive Committee

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

DATED this 14<sup>th</sup> day of November, 2019.

IDAHO PROFESSIONAL STANDARDS COMMISSION  
EXECUTIVE COMMITTEE

  
Kathy Davis, Member

STIPULATION - 5  
Kari Berkshire

**IDAHO PROFESSIONAL STANDARDS COMMISSION**

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Kari Berkshire

Respondent

Case No. 21919

**CONSENT ORDER**

The Professional Standards Commission orders that the Stipulation, entered between Kari Berkshire 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 14 day of November, 2019. The discipline listed in the Stipulation is imposed on Kari Berkshire's certificate under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Kari Berkshire has waived the right of judicial review.

IDAHO PROFESSIONAL STANDARDS COMMISSION

  
Elisa Saffle, Member

**CERTIFICATE OF SERVICE**

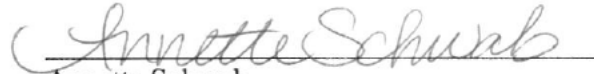
I HEREBY CERTIFY that on this 22 day of November, 2019, I caused to be served a true and correct copy of the foregoing by the following method to:

Kari Berkshire  
[REDACTED]

- 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