

**BEFORE THE PROFESSIONAL STANDARDS COMMISSION  
OF THE STATE OF IDAHO**

LISA COLÓN DURHAM,	)	
CHIEF CERTIFICATION OFFICER,	)	
	)	<b>FINDINGS OF FACT,</b>
Complainant,	)	<b>CONCLUSIONS OF LAW AND</b>
	)	<b>FINAL ORDER</b>
vs.	)	
	)	
RACHELLE GRAEFE,	)	
	)	
Respondent	)	
_____	)	

1. On December 3, 2019, this matter came before a hearing panel of the Professional Standards Commission of the State of Idaho (“Hearing Panel”) for an administrative hearing. The hearing was conducted to consider the denial of the Application for Renewal of Idaho Educator Certification for Rachelle Graefe (“Respondent”) by Lisa Colón Durham, Chief Certification Officer for the State of Idaho Department of Education (“Complainant”).

2. Based upon the findings of fact and conclusions of law set forth herein, this Hearing Panel enters its Final Order affirming Complainant’s denial of Respondent’s application for renewal of her Idaho Educator Certification.

**PROCEDURAL HISTORY**

3. On September 4, 2019, Complainant denied Respondent’s Application for Renewal of Idaho Educator Certification. *See* Exhibit 3.

4. On September 9, 2019, Respondent appealed the denial and requested a hearing.

5. On December 3, 2019, an administrative hearing in this matter was conducted before the Hearing Panel. The hearing was held in the Barbara Morgan Conference Room, Len B. Jordan Building, 650 West State Street, Boise, Idaho. During the hearing, Deputy Attorney General Brian Church represented the Complainant. Respondent represented herself. Diana

Zigars served as Chair for the Hearing Panel. Cyndi Wade and Jenna Colson served as the other members of the Hearing Panel. Karen Sheehan, Deputy Attorney General, served as legal counsel for the Hearing Panel.

6. During the hearing, the parties offered documentary evidence in the form of Complainant's Exhibits 1 through 5 and Respondent's Exhibits A through C. The Hearing Panel admitted all offered exhibits. The Hearing Panel also received verbal testimony from the following witnesses:

- Lisa Colón Durham, Chief Certification Officer for the State of Idaho; and
- Rachelle Graefe, Respondent.

#### **FINDINGS OF FACT**

7. On September 3, 2019, Respondent completed and submitted online Idaho's Application for Renewal of Idaho Educator Certification ("Application").

8. Ms. Durham testified the Application was denied for several reasons. The primary reason for the denial was Respondent's failure to disclose on her Application that she had disciplinary action taken against her professional license/certificate. This information was required by question 2 of Item #5 titled "Licensing History" of the Application. The question asked:

*Have you ever had disciplinary action taken against a professional license/certificate? Disciplinary action on a license/certificate includes revocation, suspension, probation, letters of reprimand, or conditions imposed by a professional licensing authority.*

Respondent answered "no" even though a letter of reprimand was issued on May 22, 2015. See Letter of Reprimand dated May 22, 2015 and corresponding Stipulation and Consent Order dated May 19, 2015 (Exhibit 4) ("Stipulation").

9. Ms. Durham testified the Application was also denied because the Stipulation required Respondent to complete an approved three (3) credit ethics course within six (6) months of the effective date of the stipulation. The Idaho State Department of Education (“Department”) had not received proof of completion of that course. *See* Exhibits 1- 5.

10. Ms. Durham testified the secondary reason for the denial was Respondent’s failure to complete the six (6) professional development credits required for renewal. The failure to complete these credits meant Respondent was ineligible to renew her application as she had not met the renewal requirements. *See* Exhibits 1- 5.

11. During the hearing, Respondent testified that she had forgotten about the letter of reprimand and that she has paid a huge price for missing the Department’s deadlines. Respondent is currently enrolled in an ethics course that will be completed in December. She is also in the process of completing the required professional development credits.<sup>1</sup> *See* Exhibits A – C.

### **CONCLUSIONS OF LAW**

12. This Hearing Panel has authority under Idaho Code § 33-1208 and § 33-1209 to hear this contested case initiated by Complainant against Respondent.

13. The Hearing Panel has authority under Idaho Code § 33-1208 and § 33-1209 to affirm Complainant’s denial of an application.

14. In accordance with Idaho Code § 33-1209(9), the Hearing Panel affirms the denial by Complainant of Respondent’s Application as follows:

- a. For Respondent’s failure to provide the correct answers on the Application regarding her disciplinary/licensing history;

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<sup>1</sup> There was testimony during the hearing that these credits will not be applied to a future renewal application as the credits have to be completed prior to the request for renewal.

- b. For Respondent's failure to comply with the Stipulation and timely complete the required ethics course; and
- c. For Respondent's failure to complete the six (6) professional development credits required for renewal.

15. Respondent will be eligible for reinstatement of her Idaho Educator Certification if she completes the ethics course required by the Stipulation and submits proof to Complainant no later than March 1, 2020.

**FINAL ORDER**

IT IS THE FINAL ORDER of this Hearing Panel, based upon the findings of facts and conclusions of law set forth herein, that Complainant's denial of Respondent's Application is affirmed. Respondent will be eligible for reinstatement of her Idaho Educator Certification if she completes the ethics course required by the Stipulation and submits proof to Complainant no later than March 1, 2020.

Dated on this 22 day of December, 2019.

  
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Diana Zigars  
Hearing Panel Chair

## NOTIFICATION OF PROCEDURAL RIGHTS

THIS IS A FINAL ORDER OF THE HEARING PANEL. Any party may file a Petition for Reconsideration of this Final Order within fourteen (14) days of its service date. The Hearing Panel is required by law to dispose of a Petition for Reconsideration within twenty-one (21) days of its filing or the Petition for Reconsideration will be considered to be denied by operation of law. *See Idaho Code § 67-5243(3).*

Petitions for Reconsideration of this Final Order may be filed by mail addressed to the Professional Standards Commission, Department of Education, Statehouse, Boise, ID 83720-0027, or may be delivered to the Department of Education, Len B. Jordan Building, Room 200, 650 West State Street, Boise, Idaho, and must be received within fourteen (14) days of the service date of this Final Order.

Pursuant to Idaho Code §§ 33-1209(8), 67-5270, and 67-5272, any party aggrieved by this Final Order or by another Order previously entered in this Contested Case may obtain Judicial Review of this Final Order and of all previously issued Orders in this Contested Case by filing a Petition for Judicial Review in the District Court as provided by those sections.

A Petition for Judicial Review must be filed within twenty-eight (28) days of the service date of this Final Order, or, if a Petition for Reconsideration is timely filed, within twenty-eight (28) days of the service date of a decision on the Petition for Reconsideration or denial of the Petition for Reconsideration by operation of law. *See Idaho Code §§ 67-5246 and 67-5283.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 27<sup>th</sup> day of December, 2019, I caused to be served a true and correct copy of the preceding as follows:

Rachelle Graefe [REDACTED]	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Certified Mail, Return Receipt Requested <input checked="" type="checkbox"/> E-mail: [REDACTED]
Brian Church, Deputy Attorney General Office of the Attorney General Statehouse Boise, ID 83720-0010	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Certified Mail, Return Receipt Requested <input checked="" type="checkbox"/> E-mail: <a href="mailto:brian.church@ag.idaho.gov">brian.church@ag.idaho.gov</a>



Karen Sheehan  
Deputy Attorney General  
Hearing Panel Legal Counsel