

**IDAHO PROFESSIONAL STANDARDS COMMISSION**

In the matter of the certificate of:

**Kelly Moysh,**

**Respondent**

Case No. 22317

**STIPULATION**

**BACKGROUND**

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

**STIPULATION**

1. This is an agreement (Stipulation) between Kelly Moysh (Mr. Moysh) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).
2. If Mr. Moysh wishes to agree to this Stipulation, he must sign and return this stipulation and any attachments to the Commission by 5:00 p.m. (Mountain Time) on January 5, 2024, unless he has been granted an extension.
3. After Mr. Moysh 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  
Kelly Moysh

Professional Standards Commission

650 W. State St. 2<sup>nd</sup> 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. Mr. Moysh holds the following certificate and endorsement issued under the authority of the Idaho State Board of Education:
  - a. Standard Instructional Certificate with Visual Arts (6-12) effective July 14, 2021, through August 31, 2026.
7. During the 2021-2022 school year, on or about November 2021, Mr. Moysh provided pills to one or more students on the wrestling team. Mr. Moysh described the pills as “water pills”.
8. The pills were identified as the diuretic, Lasix.
9. Mr. Moysh admitted that he had obtained the pills in Mexico and he provided the pills to the students.
10. The pills are a banned substance that is not allowed for use by the student athletes particularly wrestlers.
11. On or about January 12, 2023 Mr. Moysh drove a bus transporting the varsity wrestling team to Post Falls, Idaho for part of the trip.
12. Mr. Moysh did not have the required certifications and training to drive a school bus transporting students that is required to do so.

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

- a. Mr. Moysh's conduct or course of conduct described in paragraphs 7-10 willfully violated a principle of the code of ethics that was adopted by the Idaho State Board of education. Idaho Code § 33-1208(1) ("Willful violation of any professional code or standard of ethics or conduct, adopted by the state board of education."). Specifically, Mr. Moysh violated Code of Ethics Principle II Idaho Admin Code r. 08.02.02.076.03 ("A professional educator maintains a professional relationship with all students both inside and outside the physical and virtual classroom.").
- b. Mr. Moysh's conduct or course of conduct described in paragraphs 9 and 10 willfully violated a principle of the code of ethics that was adopted by the Idaho State Board of education. Idaho Code § 33-1208(1) ("Willful violation of any professional code or standard of ethics or conduct, adopted by the state board of education."). Specifically, Mr. Moysh violated Code of Ethics Principle I Idaho Admin Code r. 08.02.02.076.03 ("A professional educator abides by all federal, state, and local education laws and statutes.")

14. Mr. Moysh admits that he violated the laws and rules cited in paragraph 13 and acknowledges that there is sufficient evidence to support a finding of a violation of the laws and rules cited in paragraph 13.

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## B. STIPULATED DISCIPLINE

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

a. Kelly Moysh's certifications be suspended until he completes the following courses:

- i. An ethics course;
- ii. Drug free workplace course;
- iii. Understanding academic dishonesty; and
- iv. Honoring the Game course from the Positive Coaching Alliance.

b. Any costs associated with Mr. Moysh's compliance with the above disciplines shall be his responsibility.

16. Any costs associated with Mr. Moysh's compliance with the terms of this Stipulation are his responsibility.

17. During the pendency of this Stipulation Mr. Moysh will comply with all laws and rules governing educator certification in Idaho.

## C. PRESENTATION OF THIS STIPULATION

18. Once Mr. Moysh 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.

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

20. If the Commission modifies this Stipulation, it must receive Mr. Moysh's approval on any modification before the Stipulation is effective.

#### D. WAIVER OF RIGHTS

21. If this Stipulation is approved by the Commission, Mr. Moysh 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;

22. If this Stipulation is approved by the Commission, the Commission may impose discipline upon Mr. Moysh's certificate without further process.

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

#### E. GENERAL ACKNOWLEDGMENTS

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

25. 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.

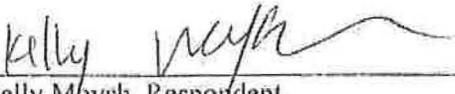
26. Mr. Moysh agrees that he has read this Stipulation, has had the opportunity to discuss it with legal counsel, if he so chose, and understands that by signing below, he will be agreeing to the terms of this Stipulation.

**SIGNATURES**

**Respondent**

The Respondent, Kelly Moysh, agrees to this Stipulation.

DATED this 20 day of DEC, 2023.

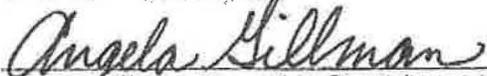
  
\_\_\_\_\_  
Kelly Moysh, Respondent

**Executive Committee**

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

DATED this 16 day of February, 2024.

IDAHO PROFESSIONAL STANDARDS COMMISSION  
EXECUTIVE COMMITTEE

  
\_\_\_\_\_  
Angela Gillman, Executive Committee Member

**IDAHO PROFESSIONAL STANDARDS COMMISSION**

In the matter of the certificate of:

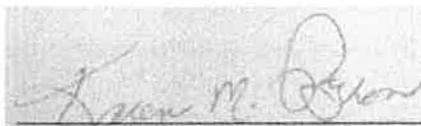
Kelly Moysh,

Respondent

Case No. 22317  
**CONSENT ORDER**

The Professional Standards Commission orders that the Stipulation, entered between Kelly Moysh 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 February 2024. The discipline listed in the Stipulation is imposed on Kelly Moysh's certificates under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Kelly Moysh has waived the right of judicial review.

IDAHO PROFESSIONAL STANDARDS COMMISSION



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Karen Pyron, Member

CONSENT ORDER – I  
Kelly Moysh

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 16<sup>th</sup> day of February, 2024, I caused to be served a true and correct copy of the foregoing by the following method to:

*Attorney for Kelly Moysh*  
Shane T. Reichert  
P.O. Box 2638  
Boise, ID 83701  
sreichert@idahoea.org

- U.S. Mail
- Hand Delivery
- Certified Mail, Return Receipt Requested
- Overnight Mail
- Facsimile:
- Email:

*Attorney for the  
Chief Certification Officer*  
Kyle Grigsby  
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: kyle.grigsby@ag.idaho.gov  
colleen.funk@ag.idaho.gov



Annette Schwab  
Program Specialist

CONSENT ORDER - 2  
Kelly Moysh