

**IDAHO PROFESSIONAL STANDARDS COMMISSION**

In the matter of the certificates of: ) Case No. 21619  
Kirby S. Young, )  
Respondent. ) **STIPULATION**  
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**BACKGROUND**

The Professional Standards Commission received an allegation of unethical conduct concerning Kirby S. Young. 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 Kirby S. Young's certificates. The Executive Committee has recommended the following Stipulation.

**STIPULATION**

1. This is an agreement (Stipulation) between Kirby S. Young (Mr. Young) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).
2. If Mr. Young 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 August 30, 2017, unless he has been granted an extension.
3. After Mr. Young 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:

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**

STIPULATION - 1  
Kirby S. Young

5. The Commission regulates teacher certification in the State of Idaho.
6. Mr. Young holds the following certificates and endorsement:
  - a. (current) Standard Secondary Certificate with Social Studies 6-12 Endorsement – effective September 1, 2011 – valid until August 31, 2016.
  - b. Certificate 2. (pending) Standard Secondary Certificate with Social Studies 6-12 and American Government/Political Science 6-12 Endorsements – effective September 1, 2016 – valid until August 31, 2021.
7. During the relevant times, Mr. Young was employed by the Kimberly School District No. 414, and Mr. Young taught at Kimberly High School.
8. On or about December 4, 2015, a school day, district staff were informed that Mr. Young, who was on school grounds, smelled of alcohol.
9. Subsequently, Mr. Young met with school district personnel on December 4, 2015 where school district personnel could smell alcohol upon Mr. Young’s entry to an office, saw that Mr. Young’s behavior was atypical, and noted that Mr. Young was slurring his words.
10. Mr. Young admitted to school district personnel that he had consumed alcohol before going to sleep the night before, and also submitted to a breathalyzer test, which displayed the presence of alcohol.
11. Mr. Young also indicated that he would seek assistance, and on or about December 7, 2015, Mr. Young provided school district personnel with a letter from a treating physician, acknowledging that Mr. Young was under a treatment plan for alcoholism.
12. The Executive Committee determined that probable cause exists for initiating an administrative action against Mr. Young for violating the following law and rule governing teacher certification:
  - a. 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”).
  - b. 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. Mr. Young, although not admitting that he violated the law and rule cited in paragraph 12, acknowledges that there is sufficient evidence to support a finding of a violation of the law and rule 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 Mr. Young's certificates:

- a. Mr. Young's certificate will be suspended from December 4, 2015 (the Backdated Start Date) through the date the enclosed consent order is entered. Following his suspension, Mr. Young's certificate will be on probation for five years from the date the consent order is entered. During any suspension and probation period, the standard drug and alcohol terms will apply, as set forth in the addendum to this Stipulation, but as modified in the paragraphs below. The standard drug and alcohol terms addendum is an attachment to this Stipulation, as is the medical release.
- b. For provisions 1 and 2 of the addendum, the effective date will be the date of the consent order.
- c. For purposes of provision 3 of the addendum, the effective date will be the Backdated Start Date. *Except that* for the requirements of provision 3(b) in the addendum, the effective date will be the date provided in the consent order.
- e. For purposes of provision 4(a) of the addendum, the effective date will be the Backdated State Date. For the requirements of provision 4(a) of the addendum, Mr. Young's primary medical provider will not be required to submit either the six-month or 12-month medical status report, but will still be required to provide the 18-month (or as close as practical) and 24-month medical status reports, as calculated from the Backdated Start Date.

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

16. During the pendency of this Stipulation, Mr. Young will comply with all laws and rules governing teacher certification in Idaho.

**C. Presentation of this Stipulation**

17. Once Mr. Young signs this Stipulation and timely returns it to the Commission, and the Executive Committee signs this Stipulation, the Deputy Attorney General assigned to the