

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificates of:

James F. Cupps,

Respondent

Case No. 22224

STIPULATION

BACKGROUND

The Professional Standards Commission received an allegation of unethical conduct concerning James F. Cupps. 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 James F. Cupps's certificates. The Executive Committee has recommended the following Stipulation.

STIPULATION

1. This is an agreement (Stipulation) between James F. Cupps (Mr. Cupps) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).
2. If Mr. Cupps 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 October 14, 2022, unless he has been granted an extension.
3. After Mr. Cupps 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 W. State St. 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 educator certification in Idaho.
6. Mr. Cupps holds the following certificates and endorsements issued under the authority of the Idaho State Board of Education:
 - a. Advanced Occupational Specialist Certificate with CTE OS – Construction Trades Technology (6-12) endorsement, effective September 1, 2021, through August 31, 2026.
 - b. Career-Technical Administrator Certificate with CTE Administrator (6-12) endorsement, effective September 1, 2021, through August 31, 2026.
7. Mr. Cupps was employed as a teacher at the Dennis Technical Education Center (“DTEC”) in the Boise School District during the 2021-2022 school year.
8. During the course of the school year, several students reported complaints about Mr. Cupps to the principal of DTEC.
9. They reported events throughout the year where Mr. Cupps made sexualized comments or other inappropriate comments in his construction class.
10. These comments made the students uncomfortable.
11. Examples of these comments include repeated references to his penis size while measuring things in the class or stating he would put “another kind of cream in there” if the student removed the lid on his coffee.

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

- a. Mr. Cupps'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. Cupps 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.").

13. Mr. Cupps admits that he 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 Mr. Cupps's certificates:

- a. Mr. Cupps's certificate be suspended for one year.
- b. Mr. Cupps must take a PSC approved boundaries course that may not be used for renewal purposes.
- c. Mr. Cupps must take a PSC approved ethics course that may not be used for renewal purposes.

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

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

C. PRESENTATION OF THIS STIPULATION

17. Once Mr. Cupps 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.

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

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

D. WAIVER OF RIGHTS

20. If this Stipulation is approved by the Commission, Mr. Cupps 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;

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

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

E. GENERAL ACKNOWLEDGMENTS

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

24. 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.

25. Mr. Cupps 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.

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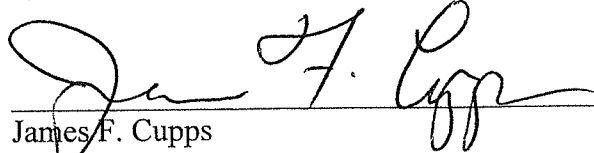
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SIGNATURES

Respondent

The Respondent, James F. Cupps, agrees to this Stipulation.

DATED this 17 day of October, 2022.


James F. Cupps
Respondent

Executive Committee

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

DATED this 1 day of December, 2022

IDAHO PROFESSIONAL STANDARDS COMMISSION
EXECUTIVE COMMITTEE


Chanel Harming, Member

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

James F. Cupps,

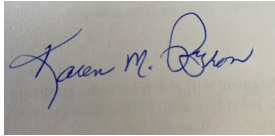
Respondent

Case No. 22224

CONSENT ORDER

The Professional Standards Commission orders that the Stipulation, entered between James F. Cupps 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 1st day of December, 2022. The discipline listed in the Stipulation is imposed on James F. Cupps's certificates under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and James F. Cupps has waived the right of judicial review.

IDAHO PROFESSIONAL STANDARDS COMMISSION



Karen Pyron, Member

CERTIFICATE OF SERVICE

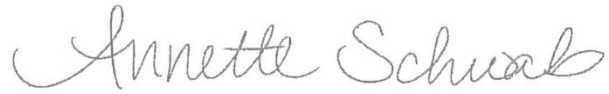
I HEREBY CERTIFY that on this 8th day of December, 2022, I caused to be served a true and correct copy of the foregoing by the following method to:

James F. Cupps
[REDACTED]
[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.gottscha@ag.idaho.gov



Annette Schwab
Program Specialist