

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificates of:

Ryan Kerby,

Respondent

Case No. 21632

ADMINISTRATIVE COMPLAINT

Lisa Colón Durham, Chief Certification Officer for the State of Idaho, alleges the following against Ryan Kerby.

GENERAL AVERMENTS

The following general averments are adopted in each count below.

1. The Professional Standards Commission (Commission) regulates teacher certification in Idaho.
2. The Chief Certification Officer is empowered to file an administrative complaint against the certificate of a teacher or other individual certified under the authority of the Idaho State Board of Education. Idaho Code § 33-1209.
3. Ryan Kerby (Mr. Kerby) holds the following certificate and endorsement issued under the authority of the Idaho State Board of Education:
 - a. Standard Secondary Certificate with Mathematics 6/12 endorsement – effective September 1, 2016 – valid until August 31, 2021;
 - b. Administrator with Superintendent and School Principal Pre-K–12 endorsements – effective September 1, 2016 – valid until August 31, 2021.
4. Mr. Kerby was the Superintendent for the New Plymouth School District in the 2013-2014 and 2014-2015 school years.

5. As the Superintendent for the New Plymouth School District in the 2013-2014 and 2014-2015 school years, Mr. Kerby was required and obligated to follow Idaho law, even if he disagreed with the law.

6. The State of Idaho and its school districts, including the New Plymouth School District, adopted the Charlotte Danielson Framework for Teaching as a measure for teacher performance and as the basis for evaluations. The framework focuses on a teacher's planning and preparation, classroom environment, instruction and professional responsibilities. Evaluations were required to include at least two documented classroom observations, conference with the teacher, and student achievement.

7. Teachers are issued a score of "distinguished," "proficient," "basic" or "unsatisfactory" once all domains and components included in the framework are scored.

8. After the evaluations are complete, the scores are then uploaded into the Idaho System for Educational Excellence.

9. Rather than uploading actual evaluation ratings, for the above school years, Mr. Kerby intentionally gave all of his teachers identical evaluation scores.

10. Mr. Kerby stated that a teacher's score was not something that the Idaho Legislature should be concerned with.

11. By intentionally submitting identical evaluation scores for all of his teachers, Mr. Kerby misrepresented or deliberately omitted information regarding the evaluation of personnel within the New Plymouth School District.

COUNT I

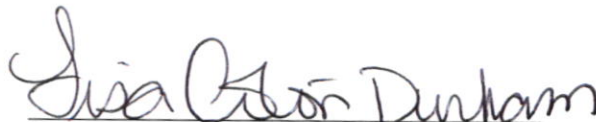
12. Mr. Kerby's conduct or course of conduct willfully violated a code of ethics principle, adopted by the Idaho State Board of Education. Idaho Code § 33-1208(1)(j). Specifically, Mr. Kerby violated Code of Ethics Principle IV (Idaho Admin. Code r. 08.02.02.076.05.e).

REQUEST FOR RELIEF

The Chief Certification Officer requests that the Commission grant the following relief, as permitted under Idaho Code §§ 33-1208 and 33-1209.

1. That if Mr. Kerby does not request a hearing, the Commission issue a letter of reprimand.
2. That if Mr. Kerby requests a hearing, a hearing be conducted before a hearing panel, where the Chief Certification Officer and Mr. Kerby may present evidence concerning the allegations in this Administrative Complaint, to aid the hearing panel in determining whether Mr. Kerby's certificates should be disciplined and, if so, what discipline should be imposed.
3. Any other relief that would be just under the circumstances.

DATED this 6 day of July, 2017.


LISA COLÓN DURHAM
Chief Certification Officer

*Attorney for the
Chief Certification Officer*
Robert A. Berry
Deputy Attorney General
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Boise, ID 83720-0010
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CERTIFICATE OF SERVICE

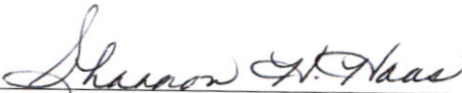
I HEREBY CERTIFY that on this 6 day of July, 2017, I caused to be served a true and correct copy of the foregoing by the following method to:

Ryan Kerby
5470 Hwy 52
New Plymouth, Idaho 83655

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

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.gottsche@ag.idaho.gov



Shannon H. Haas
Program Specialist
Idaho State Department of Education

NOTIFICATION OF PROCEDURAL RIGHTS

The Professional Standards Commission wishes to notify you of the following rights.

An administrative action has been initiated against your certificate(s). Under Idaho Code § 33-1209, if you wish to contest the allegations set forth in the administrative complaint, you must request a hearing. This request must be (1) made not more than 30 days after the date of service (mailing) of the administrative complaint, (2) in writing, and (3) addressed to the state superintendent of public instruction. **If you do not request a hearing or do not comply with the requirements for requesting a hearing, the allegations in this administrative complaint will be treated as admitted under Idaho Code § 33-1209(3).**

In response to this administrative complaint, you may file an answer to this administrative complaint, but you must file the answer at least 30 days prior to the day of the hearing.

You have the right to be represented by legal counsel, at your own expense, during this administrative proceeding. In addition, you are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents, and other things relevant to the proceedings.

This administrative proceeding is governed by provisions of the Idaho Code, including the Idaho Administrative Procedure Act, and by provisions of the Idaho Administrative Code, including the Idaho Rules of Administrative Procedure of the Attorney General that have been adopted by the Board of Education. You may access these laws and rules online or via the Idaho State Law Library.

To request a hearing, you must deliver your request to the following address or fax number:

Sherri Ybarra
Superintendent of Public Instruction
Re: Professional Standards Commission Hearing
650 West State Street, Room 200
P.O. Box 83720
Boise, ID 83720-0027
Telephone: (208) 332-6800
Facsimile: (208) 334-2228

The State Department of Education receives mailed or hand-delivered documents between the hours of 8:00 a.m. and 5:00 p.m. (mountain time) except Saturdays, Sundays, and holidays. The State Department of Education permits the filing of facsimile copies of documents that do not exceed ten pages, provided that the facsimile transmission is legible and is received before 5:00 p.m. on its due date. It shall be the responsibility of the filing party to verify with the staff of the State Department of Education that any facsimile transmission is successfully received and legible in its entirety.