

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Bryan L. Johnston,

Respondent

Case No. 21819

FINDINGS

Background

The Professional Standards Commission received an allegation of unethical conduct concerning Bryan L. Johnston, from which an inquiry was launched. After the Executive Committee's review of the case and a finding of probable cause, Mr. Johnston voluntarily surrendered his certificate, submitting a voluntary surrender form. The Commission enters these findings under Idaho Code § 33-1208(3).

Findings

1. The Professional Standards Commission (the Commission) regulates teacher certification in Idaho.
2. Bryan L. Johnston (Mr. Johnston) held the following certificate and endorsement:
 - a. Standard Secondary certificate with History (6-12) and Geography (6-12) endorsements, effective September 1, 2015, through August 31, 2020.
3. On July 31, 2018, the Commission received signed allegations of unethical conduct concerning Mr. Johnston. The allegations cited Code of Ethics Principles II, V, and X and alleged several instances of misconduct by Mr. Johnston towards a student, another female citizen, and against the school district.
4. On November 15, 2018, the Executive Committee reviewed this matter, including the materials submitted by the school district in response to a subpoena. The Executive Committee recommended that the Commission find that inappropriate conduct occurred and revoke Mr. Johnston's certificate.
5. After finding probable cause, an Administrative Complaint was filed against Mr. Johnston, containing the following allegations.
6. Mr. Johnston was employed by Bonneville Joint School District ("Bonneville") as a teacher working at Hillcrest High School ("Hillcrest").
7. In 2018, Mr. Johnson gave a cell phone to a female student at Hillcrest.

8. Mr. Johnson asked the female student to contact a female individual and pretend to be someone else under the guise of a prank.

9. The female student was uncomfortable with the request, but contacted the female individual, only to learn that this individual had a restraining order against Mr. Johnston.

10. The female individual had obtained the restraining order against Mr. Johnston on April 26, 2018, following video surveillance of him breaking into the female individual's domicile where he took her underwear and urinated on her bed.

11. A no contact order had been issued on May 9, 2018, including contact by third parties.

12. In the course of the investigation into Mr. Johnston's conduct, the school learned that it had paid for shirts which had never been delivered.

13. The school had received and paid invoices to U-Neek Industries for shirts in the amount of \$4,452.50 in the 2017-2018 school year and \$2,940 in the 2018-2019 school year.

14. U-Neek Industries is a d/b/a held by Mr. Johnston.

15. Mr. Johnston had not disclosed this fact to school administration.

16. Mr. Johnston was unable to provide any evidence that the shirts had been provided.

17. Additionally, for items that were ordered and actually delivered, many had been significantly marked up, and while certain items were invoiced, the school was provided different items.

18. Mr. Johnston submitted a letter of resignation on or around August 7, 2018, which was accepted by the school board on August 8, 2018.

19. On September 10, 2018, a felony criminal complaint was filed against Mr. Johnston in Case No. CR-2018-0008986-FE in the District Court of the Seventh Judicial District, State of Idaho, County of Bonneville.

20. The stated charge was Stalking-First Degree, Felony, I.C. § 18-7905.

21. On October 25, 2018, Mr. Johnston entered into a Plea Agreement to the felony stalking charge.

22. Mr. Johnston was sentenced on February 11, 2019.

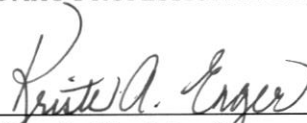
23. The Commission, having been apprised of that recommendation and having discussed this matter, finds that inappropriate conduct occurred.

24. The Commission finds that Mr. Johnston willfully Idaho Code, Section 33-1208(l), and Idaho Code, Section 33-1208(1) and Principles II, V, and X of the Code of Ethics for Idaho Professional Educators.

These findings are effective on the day signed. These findings and the voluntary surrender form submitted by Mr. Johnston, which will be attached to this Order, are public records, and may be made available on the State Department of Education or Commission website.

Dated this 20th day of June, 2019.

IDAHO PROFESSIONAL STANDARDS COMMISSION



~~Elija Saffle, Member~~

Kristi Enger

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of June, 2019, I caused to be served a true and correct copy of the foregoing by the following method to:

Bryan L. Johnston #130806
Correctional Alternative Placement
Program Unit 2
15505 S. Pleasant Valley Rd.
Kuna, ID 83634

- 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.gottsch@ag.idaho.gov



Annette Schwab
Program Specialist
Idaho State Department of Education

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Bryan L. Johnston,

Respondent

Case No. 21819

VOLUNTARY SURRENDER

BACKGROUND

The Professional Standards Commission received an allegation of unethical conduct concerning Bryan L Johnston. Mr. Johnston admits that he has engaged in any conduct in violation Idaho Code, Section 33-1208(I), and Idaho Code, Section 33-1208(1)(j) and Principles II, V and, X of the Code of Ethics for Idaho Professional Educators.

AGREEMENT

1. The Professional Standards Commission (the Commission) regulates teacher certification in Idaho.
2. Bryan L. Johnston (Mr. Johnston) holds the following certificate and endorsements:
 - a. Standard Secondary certificate with History (6-12) and Geography (6-12) endorsements, effective September 1, 2015 through August 31, 2020.
3. On March 11, 2019, Mr. Johnston, by letter, indicated that he was not requesting a hearing on the allegations charged above and that he had no intent to try to petition to have his certification reinstated.
4. Becoming embroiled in a protracted debate under these circumstances would, in Mr. Johnston's opinion, only serve to make this dispute more public, causing further harassment or harm to his family, other parties involved, and the school district or community in which he had served, regardless of the outcome. Accordingly, in lieu of further proceedings and without further process, Mr. Johnston agrees to voluntarily surrender his Certificate.
5. By surrendering his certificate, Mr. Johnston also surrenders all privileges associated with certification, and agrees that no monies paid by him to Idaho State Department of Education will be refunded.

6. As a result of surrendering his certificate, Mr. Johnston understands that the Commission may report the surrender of his certificate to the National Association of State Directors of Teacher Education and Certification (NASDTEC) clearinghouse.

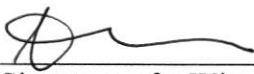
7. Mr. Johnston understands that the Commission will not pursue further disciplinary action against his certificate upon the voluntary surrender of his certificate, but acknowledges that the Commission may continue its inquiry and record its findings in his permanent certification file, as provided in Idaho Code § 33-1208(3).

8. By signing below, Mr. Johnston acknowledges that he has read this Voluntary Surrender agreement, that he has had the opportunity to discuss it with legal counsel, and that he is agreeing to its terms. Mr. Johnston understands the Commission regards this Voluntary Surrender as a public record which, will be made available through the State Department of Education or the Commission's website.



Signature of Bryan L. Johnston

06-03-2019
Date Signed



Signature of a Witness

06-03-2019
Date Signed

**Return form and
certificate to:**

PSC – Voluntary Surrender
Attn: Annette Schwab
650 W. State St., 2nd Floor
Boise, ID 83702