

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Brandi M. Nichols,

Respondent

Case No. 22001

STIPULATION

BACKGROUND

The Professional Standards Commission received an allegation of unethical conduct concerning Brandi M. Nichols. 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 Ms. Nichols's certificate. The Executive Committee has recommended the following Stipulation.

STIPULATION

1. This is an agreement (Stipulation) between Brandi Nichols (Ms. Nichols) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission)
2. If Ms. Nichols wishes to agree to this Stipulation, she must sign and return this Stipulation and any attachments to the Commission by 5:00 p.m. (mountain time) on April 30, 2021, unless she has been granted an extension.
3. After Ms. Nichols 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

5. The Commission regulates teacher certification in the State of Idaho.
6. Ms. Nichols holds the following certificate and endorsements issued under the authority of the Idaho State Board of Education:
 - a. Standard Elementary Certificate with an All Subjects (K-8) endorsement, effective September 1, 2020, through August 31, 2025.
7. Ms. Nichols was employed by the Bonneville Joint School District (“District”) for the 2018-2019 school year as a teacher at Falls Valley Elementary school.
8. In April of 2019, an employee of the District was notified that Ms. Nichols had interfered in the investigation of a criminal rape case, where the defendant was ultimately sentenced to a RIDER program, after accepting a plea deal to one count of rape where the victim was 16 or 17 years old and the perpetrator was three or more years older.
9. Ms. Nichols had engaged in text messages discouraging a minor student from reporting a sexual relationship with an adult to the authorities.
10. Specifically, Ms. Nichols texted the following to the minor female student:
 - a. “Hey so I have a few friends that Are PD and one asked if I knew someone. He knew that this person worked at sizzler and that I worked there too. I said yes and he told me you turned him in. Did you? Is he the person you were talking about?”

- b. "I would like you to look back on your childhood and how you felt and feel now knowing your bio dad wasn't around and even things with stepdad."
- c. "You are a great girl with many things going for you. If i were in your shoes (and i have been when i 13/14) i wouldn't ruin 3 beautiful young girls' lives in taking away their only dad for life. You were upset when you told me about the abuse your stepdad did and when your dad wasn't around."
- d. "I am so proud of you and your ambition with school and dueling credits. I would really reconsider going through with the PD."

11. Ms. Nichols and the minor student also communicated outside of school hours regarding the minor student's romantic life.

12. The minor student disclosed that she had taken a pregnancy test and was not pregnant.

13. Ms. Nichols expressed relief and provided romantic advice.

14. The Executive Committee determined that probable cause exists for initiating an administrative action against Ms. Nichols for violating the following laws and rules governing teacher certification:

- a. Ms. Nichols'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, Ms. Nichols 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.”).

15. Ms. Nichols, although not admitting that she violated the laws and rules cited in paragraph 14, acknowledges that there is sufficient evidence to support a finding of a violation of the laws and rules cited in paragraph 14.

B. Stipulated Discipline

16. If this Stipulation is approved by the Commission, the following discipline will be imposed by the Commission on Ms. Nichols’s certificate:

- a. Issue a letter of reprimand.
- b. Ms. Nichols must also take a Commission approved ethics course that may not be used for renewal purposes.

17. During the pendency of this Stipulation, Ms. Nichols will comply with all laws and rules governing teacher certification in Idaho.

C. Presentation of this Stipulation

18. Once Ms. Nichols 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 Ms. Nichols’s approval on any modification before the Stipulation is effective.

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D. Waiver of Rights

21. If this Stipulation is approved by the Commission, Ms. Nichols 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;
- d. the right to reconsideration of the Commission's orders;
- e. the right to judicial review of the Commission's orders; and
- f. other rights accorded by the Idaho Administrative Procedure Act, and the law and rules governing teacher certification in the State of Idaho.

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

23. By signing this Stipulation, Ms. Nichols agrees to waive any requirement for a hearing under Idaho Code § 33-1209(3) to be conducted within 90 days of his request for a hearing. This waiver applies to any hearing request made before the Commission ultimately rejects this Stipulation (if it does) or before Ms. Nichols ultimately rejects a modified stipulation (if Ms. Nichols does). If the Commission ultimately rejects this Stipulation or if Ms. Nichols ultimately rejects a modified stipulation, and Ms. Nichols 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 Ms. Nichols 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.

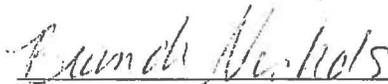
26. Ms. Nichols agrees that she has read this Stipulation, has had the opportunity to discuss it with legal counsel, if she so chose, and understands that by signing below, she will be agreeing to the terms of this Stipulation.

SIGNATURES

Respondent

The respondent, Brandi M. Nichols, agrees to this Stipulation.

DATED this 28 day of April, 2021.



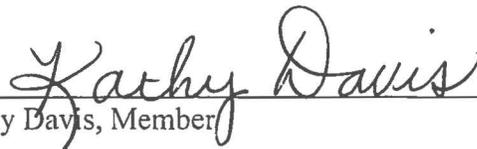
Brandi M. Nichols
Respondent

Executive Committee

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

DATED this 17 day of June, 2021.

IDAHO PROFESSIONAL STANDARDS
COMMISSION EXECUTIVE COMMITTEE



Kathy Davis, Member

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Brandi M. Nichols,

Respondent

Case No. 22001

CONSENT ORDER

The Professional Standards Commission orders that the Stipulation, entered between Brandi M. Nichols 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 17 day of June, 2021. The discipline listed in the Stipulation is imposed on Brandi M. Nichols's certificate under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Brandi M. Nichols has waived the right of judicial review.

IDAHO PROFESSIONAL STANDARDS COMMISSION


Elisa Saffle, Member

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of June, 2021, I caused to be served a true and correct copy of the foregoing by the following method to:

Brandi M. Nichols, Respondent
C/O Marty Durand
P.O. Box 2864
1020 Main St., Ste. 440
Boise, ID 83701

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

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.gottsch@ag.idaho.gov



Annette Schwab
Program Specialist
Idaho State Department of Education



STATE OF IDAHO
PROFESSIONAL STANDARDS COMMISSION
STATE DEPARTMENT OF EDUCATION
PO BOX 83720
BOISE, IDAHO 83720-0027

OFFICE
650 W State Street
PHONE
(208) 332-6884
FAX
(208) 334-2228
SPEECH/HEARING IMPAIRED
(800) 377-3529

RE: Brandi M. Nichols
Professional Standards Commission Case No. 22001

LETTER OF REPRIMAND

The Professional Standards Commission issues a formal reprimand to Brandi M. Nichols.

The Executive Committee found that probable cause existed to warrant the filing of an administrative complaint against Ms. Nichols's certificate by the Chief Certification Officer. In lieu of filing an answer, Ms. Nichols entered into stipulated discipline. The full Professional Standards Commission considered this case and adopted the discipline recommended by the Executive Committee, which was incorporated into the stipulated discipline. Accordingly, a letter of reprimand is now issued based upon Ms. Nichols inappropriate and unprofessional communications with a minor female student, a violation of Code of Ethics Principle II. The Chief Certification Officer is directed to issue and place this letter of reprimand in Ms. Nichols's certification file.

Dated this 22 day of June, 2021.

IDAHO STATE DEPARTMENT OF EDUCATION

Lisa Colon Durham, Chief Certification Officer

c: Robert A. Berry, Attorney for the Chief Certification Officer