

**IDAHO PROFESSIONAL STANDARDS COMMISSION**

In the matter of the certificate of:

Brady Swallow,

Respondent

Case No. 22213

**STIPULATION**

**BACKGROUND**

The Professional Standards Commission received an allegation of unethical conduct concerning Brady Swallow. 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 Brady Swallow's certificate. The Executive Committee has recommended the following Stipulation.

**STIPULATION**

1. This is an agreement (Stipulation) between Brady Swallow (Mr. Swallow) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).
2. If Mr. Swallow 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 July 15, 2022, unless he has been granted an extension.
3. After Mr. Swallow 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. 2<sup>nd</sup> 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. Swallow holds the following certificate and endorsement issued under the authority of the Idaho State Board of Education:
  7. Mr. Swallow holds the following certificate and endorsement issued under the authority of the Idaho State Board of Education:
    - a. Standard Instructional Certificate with Physical Education (PE) (K-12) endorsement, effective September 1, 2022 through August 31, 2027.
    - b. Standard Instructional Certificate with Physical Education (PE) (K-12) endorsement, effective September 1, 2017 through August 31, 2022.
  8. Mr. Swallow was employed as a weights/PE teacher in the Homedale School District No. 377 for the 2021-2022 school year.
  9. On March 1, 2022, Mr. Swallow struck a student on the leg with a PVC pipe.
  10. The Executive Committee determined that probable cause exists for initiating an administrative action against Mr. Swallow for violating the following laws and rules governing educator certification:
    - a. Mr. Swallow'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.

Swallow 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 classroom.”).

11. Mr. Swallow admits that he violated the laws and rules cited in paragraph 10 and acknowledges that there is sufficient evidence to support a finding of a violation of the laws and rules cited in paragraph 10.

#### **B. STIPULATED DISCIPLINE**

12. If this Stipulation is approved by the Commission, the following discipline will be imposed by the Commission on Mr. Swallow’s certificate:

- a. Mr. Swallow’s certificate be suspended for one year.
- b. Mr. Swallow must take an approved PSC ethics course, which may not be used for renewal purposes.
- c. Mr. Swallow must take an approved PSC boundaries course, which may not be used for renewal purposes.

13. Any costs associated with Mr. Swallow’s compliance with the terms of this Stipulation are his responsibility.

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

#### **C. PRESENTATION OF THIS STIPULATION**

15. Once Mr. Swallow 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.

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

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

#### **D. WAIVER OF RIGHTS**

18. If this Stipulation is approved by the Commission, Mr. Swallow 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;

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

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

#### **E. GENERAL ACKNOWLEDGMENTS**

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

22. 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.


23. Mr. Swallow 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.

#### SIGNATURES

##### **Respondent**

The Respondent, Brady Swallow, agrees to this Stipulation.

DATED this 28 day of July, 2022.

  
\_\_\_\_\_  
Brady Swallow  
Respondent

##### **Executive Committee**

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

DATED this 16 day of September, 2022

IDAHO PROFESSIONAL STANDARDS COMMISSION  
EXECUTIVE COMMITTEE  
  
\_\_\_\_\_  
Chanel Harming, Member

**IDAHO PROFESSIONAL STANDARDS COMMISSION**

In the matter of the certificate of:

Brady Swallow,

Respondent

Case No. 22212

**CONSENT ORDER**

The Professional Standards Commission orders that the Stipulation, entered between Brady Swallow 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 16<sup>th</sup> day of September, 2022. The discipline listed in the Stipulation is imposed on Brady Swallow's certificates under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Brady Swallow has waived the right of judicial review.

IDAHO PROFESSIONAL STANDARDS COMMISSION



Karen Pyron, Member

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 21<sup>st</sup> day of September, 2022, I caused to be served a true and correct copy of the foregoing by the following method to:

Brady Swallow, Respondent



- 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.gottsch@ag.idaho.gov

Annette Schwab

Annette Schwab  
Program Specialist