

FINDING OF FACT

- 1
2 1. The Commission has licensed Johnston since February 14, 2005. Johnston held a
3 Professional Teaching License with endorsements in Biology (PK-12), Legacy
4 Middle Level (PK-12), and Integrated Science (PK-12) valid from February 10,
5 2023, through February 9, 2028. During all relevant times Johnston was
6 employed by the Grants Pass School District (GPSD) at Grants Pass High School.
7
- 8 2. On October 13, 2022, the Commission received a misconduct report from GPSD
9 indicating Johnston may have committed acts which constitute gross neglect of
10 duty and/or gross unfitness. Specifically, the report alleged Johnston
11 corresponded in total of over 500 times via email with a female student between
12 February 2022 and June 2022 and discussed various personal topics not related
13 to school. Johnston used pet-names with the student, attempted to conduct at
14 least one (1) Zoom video call with the student, waged sports bets with the student
15 betting candy and soda, played online games with the student outside of school
16 hours and communicated in-app through the game online chat during evening
17 hours. Johnston also provided the student privileged information such as how to
18 access the high school campus after hours using a special unlocked door.
19 Johnston also solicited feedback from the student about a personal novel he
20 wrote involving both himself and the student. It was also alleged that Johnston
21 did not report to his supervisor when the student shared various personal photos
22 with Johnston via online communication as well as “Short stories”.
23
- 24 3. Investigation determined Johnston had been the subject of two prior GPSD
25 misconduct investigations taking place on April 4, 2019, and April 9, 2020. On
26 April 4, 2019, a student in Johnston’s class requested to use the restroom and
27 upon their return Johnston shoved them into their seat, resulting in Johnston
28 receiving a non-disciplinary Letter of Expectation. On April 9, 2020, Johnston
29 was heard during an all-staff Zoom meeting making derogatory statements about
30 staff when he thought his microphone was muted. This resulted in Johnston
31 receiving a Written Reprimand.
32

1 4. Investigation determined on August 18, 2022, a parent of the involved female
2 student observed over one hundred (100) online personal messages shared
3 between Johnston and their daughter and reported this matter to both the GPSD
4 and the Grants Pass Police Department. Subsequent investigation took place
5 and determined the following:

- 6
- 7 • Johnston taught the involved female student her Freshman year during the
8 2019-2020 academic year.
- 9 • Between February 2022, and June 2022, Johnston communicated
10 electronically almost daily via school email with the involved female student
11 after she had not been a student in Johnston's class for over a year.
- 12 • The majority of the emails occurred from approximately 07:30 AM and 3:30
13 PM during school days and focused on conversations about school,
14 schoolwork, sports, and a mutual online game Johnston and the student
15 played together called "Clash Royale". However, Johnston and the student
16 also discussed your personal lives, family life, favorite foods, hobbies,
17 purchasing a home, social life aspects, and sporting interests.
- 18 • Between February 2022, and June 2022, Johnston and the student made
19 several personal bets on sporting events and waged soda or candy as a prize.
- 20 • Johnston gave the student several pet-names including "*Homie, old man, and*
21 *Sensei*" and addressed the student by these names in electronic
22 communication during this time.
- 23 • Johnston provided information to the student on how to access the high
24 school campus using a back door to a building prior to the front entrance
25 opening.
- 26 • Johnston offered to give the student a tour of the high school and her new
27 classes during the 2021-2022 school year.
- 28 • Johnston encouraged the student to become a teaching-assistant in his class
29 during the 2021-2022 school year and promised the student special privilege
30 to access their cell phone during class so long as other students did not see.
- 31 • Between February 2022, and June 2022, Johnston drafted a lengthy chapter
32 book and sent each chapter to the student for review and input. The novel

1 depicted Johnston and the student fighting zombies in a post-apocalyptic
2 world and it ended with Johnston adopting the student.

- 3 • Between February 2022, and June 2022, Johnston played an online video
4 game called “*Clash Royale*” with the student after school hours. Johnston
5 engaged in additional personal communication with the student through the
6 in-game chat function and would stay up late in the evening playing the game
7 with the student, the student’s mother, and Johnston’s high school-aged son.
- 8 • On an unknown date during the 2021-2022 school year, the student shared
9 several personal photos with Johnston electronically. The photos displayed
10 “selfies” of the student and photos of her family at a wedding. Johnston did
11 not report to his supervisor that the student had sent him personal photos.

12
13 5. Investigation found that on September 5, 2022, all District and law enforcement
14 investigation was completed and no criminal arrests were made but Johnston
15 received one-day of unpaid suspension from his position and a Letter of
16 Reprimand from GPSD. GPSD records documented that Johnston had
17 previously received training on March 9, 2022, on how to keep appropriate
18 boundaries with students in an online platform.

19
20 6. During Commission investigation Johnston admitted to communicating with the
21 student as previously established and Johnston verified that it was almost a daily
22 occurrence. Johnston said that following the COVID-19 distanced learning
23 mandate the involved female student did not return to campus during the 2021-
24 2022 school year and continued online courses from home. Johnston said this
25 resulted in him emailing with the student almost daily during school hours about
26 both school related topics and personal topics. Johnston admitted he was aware
27 of a GPSD policy prohibiting staff from communicating with students
28 electronically via social media accounts, personal emails, or personal phone
29 devices but felt it was appropriate to communicate with the student via school
30 email accounts. Johnston said that Grants Pass High School administrators
31 encouraged staff during distanced learning to engage students about their

1 mental, social and emotional health and said Johnston continued to do so in the
2 following school years. Johnston admitted he should have reported the student
3 sending him photos and that he should not have shared excerpts from his book
4 with the student or played video games with the student.

6 **CONCLUSIONS OF LAW**

7 By engaging in the above conduct in paragraph four (4), Johnston engaged in
8 Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n)
9 as it incorporates OAR 584-020-0010(1) (*Recognize the worth and dignity of all*
10 *persons and respect for each individual*), OAR 584-020-0010(5) (*Use professional*
11 *judgment*); OAR 584-020-0025(2)(a) "*Establishing and maintaining classroom*
12 *management that is conducive to learning*", OAR 584-020-0025(2)(e) "*Using*
13 *district lawful and reasonable rules and regulations*", OAR 584-02-0030(2)(b)
14 "*Skill in communicating with administrators, students, staff, parents and other*
15 *patrons*"; OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(A)
16 (*Not demonstrating or expressing professionally inappropriate interest in a*
17 *student's personal life*), OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult*
18 *boundaries with students in conduct and conversations at all times*), and OAR 584-
19 020-0035(1)(c)(B) "*Not accepting or giving or exchanging romantic or overly*
20 *personal gifts or notes with a student*".

21
22 The Commission's authority to impose discipline in this matter is based
23 upon ORS 342.175

24 **FINAL ORDER**

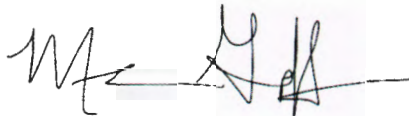
25 The Commission adopts and incorporates herein the above findings of fact and
26 conclusions of law, and based thereon, imposes a Public Reprimand upon Ernest C.
27 Johnston's Oregon educator license.

28 Furthermore, the Commission imposes a period of three (3) years of probation
29 upon Johnston's licensure and is subject to the following condition:

- 1 1. Johnston shall comply with the Standards for Competent and Ethical
2 Performance of Oregon Educators under Oregon Administrative Rules
3 Chapter 584, Division 020.
4 2. Within the first year of probation, Johnston shall complete a Commission
5 approved training on boundaries and submit proof to the Commission of
6 successful completion of the training.

7
8
9 IT IS SO ORDERED THIS 13 day of December 2024.

10
11 TEACHER STANDARDS AND PRACTICES COMMISSION

12
13 
14 By: _____
15 Melissa Goff, Interim Executive Director

16
17 NOTICE OF APPEAL OR RIGHTS

18
19 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
20 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
21 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
22 ORS 183.482 TO THE OREGON COURT OF APPEALS.