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| STATE OF SOUTH DAKOTA |) | DIVISION OF THE SECRETARY |
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| COUNTY OF HUGHES |) | SOUTH DAKOTA DEPT. OF EDUCATION |

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| In the Matter of the |) | DSE 2013-3 |
| Revocation of the |) | |
| Teaching Certificate of |) | ORDER REVOKING |
| KYLE JOHN KEEGAN. |) | SOUTH DAKOTA TEACHER |
| |) | CERTIFICATION |
| |) | |

Pursuant to the authority granted to the Secretary of the South Dakota Department of Education by SDCL 13-43-28.1 and 13-42-9, following receipt of a Complaint for the Revocation of a Teacher’s Certificate dated May 31, 2013, from the South Dakota Professional Teachers Practices and Standards Commission, and after review of the entire record of the hearing before the Commission, the Secretary orders the following:

1. The Secretary affirms and adopts the Findings of Fact and Conclusions of Law of the Commission. These findings and conclusions, attached as Exhibit A, are hereby incorporated into this Order by this reference as if set forth in full.
2. Based upon the foregoing Findings of Fact and Conclusions of Law, the teacher certificate of Kyle John Keegan (71299-0) is hereby **permanently, immediately revoked**.
3. Notification of this revocation will be placed on the NASDTEC registry and be placed in Keegan’s permanent certification file within the South Dakota Department of Education.
4. This Order and findings and conclusions will be provided to Keegan, the executive secretary of the Professional Teachers Practices and Standards Commission and its counsel, counsel for the complainant before the Commission, and the school district where Keegan was last employed.
5. This Order and incorporated findings and conclusions are a public record pursuant to SDCL Chapter 1-27 and 1-26-2 and the Voluntary Surrender of Certificate for Revocation signed by Keegan on March 4, 2013. See PTPSC v. Tuma, Hughes Co. Civ. 08-170, Letter Decision Re: Respondent’s Motion to Seal Court File (Wilbur, J., July 18, 2008).

This constitutes final agency action.

Dated this 14 day of June, 2013.

A handwritten signature in cursive script that reads "Dr. Melody Schopp". The signature is written in black ink and is positioned above a horizontal line.

Dr. Melody Schopp
Secretary
South Dakota Department of Education
800 Governors Drive
Pierre, SD 57501

5. A notice of hearing was served on Keegan on or about April 5, 2013. The notice of hearing advised Keegan that a hearing had been set for Wednesday, May 15, 2013 at 8:30 a.m. at Conference Room 1, McKay Building, 800 Governors Drive, Pierre, South Dakota.
6. On May 15, 2013, Keegan did not appear at the hearing having signed a Voluntary Surrender of Certificate for Revocation.
7. On or about March 4, 2013, Keegan voluntarily agreed to surrender his teaching certificate for permanent revocation.
8. In October, 2012, Keegan was a teacher in the New Underwood School District.
9. At that time, Victim was a 15 year old student.
10. On or about October 6, 2012, Keegan did engage in sexual activity with Victim at Keegan's residence in Rapid City, South Dakota, in violation of ARSD 24:08:03:01 (4), (5), (7), (10) and ARSD 24:08:03:02 (8).
11. On or about October 11, 2012, upon being interviewed by law enforcement, Keegan initially denied doing anything inappropriate with Victim and reported to authorities that on the night in question, Victim left Keegan's residence and spent the night someplace else. These actions by Keegan violate ARSD 24:08:03:03 (12).
12. On January 22, 2013, Keegan entered a plea of guilty to the criminal offense of: Sexual Contact With A Child Over Thirteen Years Of Age, But Under Sixteen Years Of Age, a Class 3 Felony in violation of SDCL 22-22-7.
13. On March 11, 2013, Keegan was sentenced to serve seven years in the South Dakota State Penitentiary with four years of that sentence suspended.
14. Keegan's guilty plea violates ARSD 24:08:03:02 (7), in that in fulfilling his obligations to the public, educators shall engage in no act that results in a conviction.
15. Any finding of fact improperly denoted as a conclusion of law is hereby incorporated as a finding of fact.

Based upon the foregoing findings of fact, the Commission hereby issues the following conclusions of law:

CONCLUSIONS of LAW

16. The Commission has jurisdiction over this matter pursuant to SDCL 13-43-28 and 13-43-28.1, SDCL Ch. 1-26, and the Administrative Rules of South Dakota, Chapters 24:08:03 and 24:08:04.01.
17. The burden of proof in this matter is clear and convincing. In Re: Setliff, 202 SD 58, 645 N.W.2d 601, 605.

18. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 24:08:03:01 that in fulfilling their obligations to Students, educators shall act as follows:
 - a. (4) Make a reasonable effort to maintain discipline and order in the classroom and the school system to protect the students from conditions harmful to learning, physical and emotional well-being, health, and safety;
 - b. (5) Conduct professional business in such a way that they do not expose the students to unnecessary intimidation, embarrassment, or disparagement;
 - c. (7) Maintain professional relationships with students without exploitation of a student for personal gain or advantage;
 - d. (10) Not engage in or be a party to any sexual activity with students including sexual intercourse, sexual contact, sexual photography, or illicit sexual communication.
19. Clear and convincing evidence exists that Keegan violated ARSD 24:08:03:01 (4), (5), (7) and (10).
20. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 24:08:03:02 that in fulfilling their obligations to the public, educators shall act as follows:
 - a. (7) Engage in no act that results in a conviction;
 - b. (8) Exemplify high moral standards by not engaging in or becoming a party to such activities as fraud, embezzlement, theft, deceit, moral turpitude, gross immorality, sexual contact with students, illegal drugs, or use of misleading or false statements.
21. Clear and convincing evidence exists that Keegan violated ARSD 24:08:03:02 (7) and (8).
22. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 24:08:03:03 that in fulfilling their obligations to the profession, educators shall act as follows:
 - a. (12) Cooperate with authorities and the commissions regarding violations of the codes of ethics of the South Dakota Professional Teachers Practices and Standards Commission and the Professional Administrators Practices and Standards Commission.
23. Clear and convincing evidence exists that Keegan violated ARSD 24:08:03:03(12).

24. Any conclusion of law improperly denoted as a finding of fact is hereby incorporated as a conclusion of law.

Based upon the foregoing findings and conclusions, it is hereby

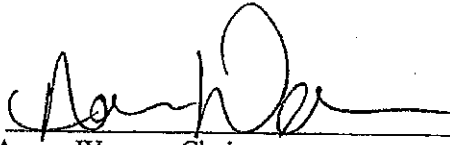
ORDERED that this matter be referred to the Secretary of the South Dakota Department of Education for proceedings to revoke the teaching certificate of Keegan as provided for in SDCL 13-43-28. It is further

ORDERED that a copy of the Findings of Fact, Conclusions of Law and Order be sent to parties herein. It is further

ORDERED that a copy of the Findings of Fact, Conclusions of Law and Order be provided to the Secretary of the South Dakota Department of Education for placement on the NASDTEC clearing house and that it remain with the Department's permanent certification file.

Dated this 31 day of May 2013.

PROFESSIONAL TEACHERS PRACTICES
and STANDARDS COMMISSION

By 
Aaron Weaver, Chair
800 Governors Drive
Pierre, SD 57501-2294