STATE OF SOUTH DAKOTA	)	DIVISION OF THE SECRETARY
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COUNTY OF HUGHES	)	SOUTH DAKOTA DEPT. OF EDUCATION
In re: certification application of JUDY HENDERSON.	)	DSE 2013-05
	)	ORDER DENYING TEACHING CERTIFICATE

Following receipt of Judy Henderson's application for teaching certificate, a Notice of Intent to Deny Teaching Certificate and related documents, and after review of the entire file herein, the Secretary enters the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. On July 22, 2013, the South Dakota Department of Education, Office of Teacher Quality, served a Notice of Intent to Deny Teaching Certificate and attached exhibits on Judy Henderson via three methods: (a) certified mail to [redacted] which is the address listed on Henderson's application; (b) first class regular mail to the same address; and (c) e-mail to the e-mail address listed on Henderson's application.

2. On July 23, 2013, Henderson responded to the e-mail claiming that she could not open the pdf documents and requesting the Department to send them in Microsoft Word.

3. Over the next two days, Ferne Haddock from the Department resent the pdf documents twice via e-mail and informed Henderson, via e-mail and on the phone, that the

documents would not be sent in Word and that the documents had been mailed to Henderson's address. Haddock also verified Henderson's mailing address three times – twice via e-mail and once on the phone.

4. Henderson never disputed or corrected the mailing address provided by Haddock.

5. There has been no further contact from Henderson.

6. The documents served upon Henderson via first class regular mail on July 22, 2013, were never returned.

7. On September 9, 2013, the documents served upon Henderson via certified mail on July 22, 2013, were returned to the Department unclaimed. Someone at the U.S. Postal Service had written "# 203" on the mailing label.

8. On September 12, 2013, the Department again served the Notice of Intent to Deny Teaching Certificate via certified mail, first class mail, and e-mail. The Department added "Apartment 203" to the mailing address listed in paragraph 1.

9. The documents served upon Henderson on September 12, 2013, were never returned or rejected.

10. Henderson has received proper notice of the intent to deny her application for a certificate and has waived her right to hearing by failing to request a hearing.

11. The Notice of Intent served upon Henderson stated that if she failed to request a hearing within fifteen days after service of the notice, the allegations of the Notice would be accepted as true by the Secretary and her application denied and record of denial placed on the NASDTEC clearinghouse.

12. On or about April 26, 2010, Henderson submitted an application for initial certification to the South Dakota Department of Education.

13. With the initial application, Henderson submitted a University Authorized Representative document, attached as Exhibit A and incorporated herein by this reference. The University Authorized Representative document contained the alleged signature of Rhonda Jones from Freed-Hardeman University, certifying that Henderson had satisfactorily completed an elementary education program. The phone number for Jones was listed as 901-553-7079.

14. On or about May 3, 2010, a call was received from phone number 901-553-7079 from a caller purporting to be Rhonda Jones. The caller informed Department staff that Henderson had completed student teaching.

15. Henderson was issued a one year South Dakota teacher's certificate (71832) which expired on July 1, 2011.

16. After the certificate was issued, it was discovered that the signature of Rhonda Jones on Exhibit A was forged and that Jones never called the Department to verify student teaching.

17. Henderson never completed student teaching and never completed an elementary education program at Freed-Hardeman University.

18. In July of 2010, Montana denied Henderson's certification application.

19. On or about February 19, 2013, Henderson electronically submitted an application to renew her South Dakota teaching certificate. Henderson's electronic

signature on the application had the same legal effect and enforceability as any other signature. SDCL Chapter 53-12.

20. The February 19 application relied upon the previously submitted University Authorized Representative document marked as Exhibit A.

21. Henderson listed her phone number on the February 19 application as 901-553-7079, which is the same phone number referenced in paragraphs 13 and 14 above.

22. In the February 19 application, Henderson made the following affirmation:

> I declare and affirm under penalties of perjury pursuant to SDCL 22-29-9.1 that this application has been examined by me, and to the best of my knowledge and belief, is in all things true, accurate, complete and correct. I understand that any intentional falsification, misrepresentation or omission of facts or falsification of statements on accompanying documents may result in criminal charges and/or the denial of certification, and could affect the status of my teaching or school administrative certificate.

23. Henderson answered "No" to question 5, which asked:

> Have you ever had any credential, certificate or license authorizing school teaching or educational service suspended, revoked, voided, cancelled, denied, rescinded, rejected for cause and/or otherwise taken away in South Dakota or in any other state, commonwealth, territory or possession of the United States or elsewhere?

24. Henderson answered "No" to question 9, which asked:

> Is there any information not disclosed by your answers concerning your background, history, experience, education or activities which may have some bearing on your character, moral fitness or eligibility to teach or hold an administrative position in South Dakota and which should be placed at the disposal or brought to the attention of the South Dakota Department of Education?

25. Any finding of fact more properly designated as a conclusion of law is hereby so designated.

CONCLUSIONS OF LAW

1. Grounds for denial of a teacher's certificate are provided in SDCL Chapter 13-42.

2. The Professional Teachers Practices and Standards Commission has been given the authority and obligation to promulgate rules for a code of professional ethics for the teaching profession in South Dakota. SDCL 13-43-25. This code of professional ethics is found in ARSD Chapter 24:08:03.

3. The Secretary of the Department of Education has the power and authority to refuse to issue or renew a certificate for violation of the code of professional ethics governing teachers. SDCL 13-42-7 and 13-42-9.

4. The code of ethics requires a teacher to "exemplify high moral standards by not engaging in or becoming a party to such activities as fraud ... deceit, moral turpitude, gross immorality ... or use of misleading or false statements." ARSD 24:08:03:02(8).

5. Henderson has violated the code of ethics by engaging in fraud, deceit, moral turpitude, gross immorality, and the use of misleading of false statements through her actions. These actions include the following:

a. Forging the University Authorized Representative document, which was part of the certification applications referenced in the Findings of Fact, with intent to deceive regarding her qualifications;

b. Impersonating Rhonda Jones in a phone call with Department staff with intent to deceive regarding her qualifications;

c. Failing to disclose that her application for certification had been denied in Montana; and

d. Failing to otherwise disclose facts which had bearing on her character, moral fitness or eligibility to teach in South Dakota.

6. In order for a certificate to be issued or renewed, Henderson must meet the rules and requirements for certificates as determined by the South Dakota Board of Education. SDCL 13-42-3 and 13-42-4.

7. Henderson does not meet the educational requirements necessary to be issued a teaching certificate.

8. Henderson's application should be denied for violations of the code of ethics and because she does not meet the educational requirements necessary to be issued a teaching certificate.

9. Any conclusion of law more properly designated as a finding of fact is hereby so designated.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby

ORDERED that the application of Judy Henderson for a teaching certificate is DENIED. It is further

ORDERED that notification of denial be placed on the NASDTEC registry and be placed in Henderson's permanent certification file within the South Dakota Department of Education. It is further

ORDERED that this document and attached exhibit is a public record pursuant to SDCL Chapter 1-27 and 1-26-2, but Henderson's date of birth and social security number may be redacted pursuant to SDCL Chapter 1-27.

This constitutes final agency action.

Dated this 18 day of December, 2013.

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

UNIVERSITY AUTHORIZED REPRESENTATIVE

APPLICANT:

[redacted] [redacted]
Social Security Number Date of Birth

HENDERSON Judy R
Last Name First Initial

[redacted] Phone (Day)

[redacted] Phone (Evening)

Street Address

[redacted] [redacted]
City State Zip+4 Email

University Sign-off

I hereby certify that Judy R. Henderson (applicant) satisfactorily completed the following education program(s).

Elementary Education 12/18/2009
Date of program completion

Date of program completion

Rhonda Jones Licensure Officer 4/21/2010
Signature of Authorized Official Title Date

Rhonda Jones (901) 553-7079
Print Name of Authorized Official Telephone #

Freed-Hardeman University 158 East Main Street 38340
University Address Zip

EXHIBIT
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