

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

In the Matter of the)
Teaching Certificate of)
Jordan Tuntland.)
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)
)

DSE 2016-4
**ORDER REGARDING
SOUTH DAKOTA TEACHING
CERTIFICATION**

Pursuant to the authority granted to the Secretary of the South Dakota Department of Education by SDCL 13-42-9, 13-42-15, and 13-43-28.1, following receipt of a Complaint from the South Dakota Professional Teachers Practices and Standards Commission, and after review of the entire record herein, including the Complaint from the Commission and attached exhibits and the entire hearing record, the Secretary enters the following order:

1. The Secretary affirms and adopts the Findings of Fact and Conclusions of Law of the Commission attached as Exhibit A and incorporated herein by this reference.
2. Based on the foregoing Findings of Fact and Conclusions of Law, Tuntland's South Dakota Teaching Certificate 67246 is **hereby immediately, permanently revoked.**
3. Notification of this Order will be placed on the NASDTEC registry and be placed in Tuntland's permanent certification file within the South Dakota Department of Education.
4. This Order and incorporated findings and conclusions are a public record pursuant to SDCL 13-42-17.1.
5. Tuntland is prohibited from being employed by a public school or other accredited school in South Dakota pursuant to SDCL 13-43-5.1.

This constitutes final agency action.

Dated this 4th day of April, 2016.

Melody Schopp

Dr. Melody Schopp, Secretary
South Dakota Department of Education

STATE OF SOUTH DAKOTA)	PROFESSIONAL TEACHERS
	ss:	PRACTICES AND STANDARDS
COUNTY OF HUGHES)	COMMISSION
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GAIL SWENSON, SUPERINTENDENT, TRIPP-DELMONT SCH. DIST.)	PTPSC 2015-10
Complainant,)	
)	FINDINGS OF FACT,
v.)	CONCLUSIONS OF LAW,
)	AND ORDER
JORDAN TUNTLAND,)	
Respondent.)	
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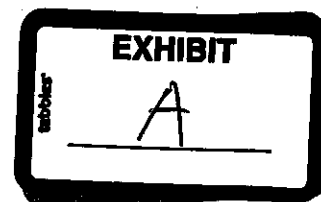
This matter came on for hearing pursuant to the provisions of SDCL § 13-43-28 before the South Dakota Professional Teachers Practices and Standards Commission on January 14, 2016 at 1:00 p.m. Central Time, in Conference Room 1, MacKay Building, 800 Governors Drive, Pierre, South Dakota, as previously scheduled and duly and formally noticed for hearing.

The following members of the South Dakota Professional Teachers Practices and Standards Commission (Commission) were present at the hearing: Thomas Keck, Lance VanderVorst, Bev Kopren, Tammy Jo Schlecter, and Ann Noyes. Paul Bachand and Holly Farris, counsel for the Commission, and Ferne Haddock, executive secretary of the Commission, were also present. Commission member Connie Gretschmann was present at the hearing but was recused and did not take part in any decision by the Commission. Tripp-Delmont School superintendent Gail Swenson was present and appeared through counsel Rodney Freeman of Huron, South Dakota. Respondent Jordan Tuntland did not appear at the hearing.

Based upon Tuntland's failure to appear at the hearing, the evidence presented, and the records on file, the Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent was the holder of a valid South Dakota Teacher's Certificate, No. 67246-1, issued on July 7, 2010, and expiring on July 1, 2015.
2. Although Tuntland's certificate expired on July 1, 2015, his certificate did not lapse until September 29, 2015.
3. On or about August 26, 2015, Superintendent Gail Swenson, of the Tripp-Delmont School District in Tripp, South Dakota, filed a complaint against Tuntland with the Commission.
4. The complaint alleged that Tuntland violated sections of the South Dakota Code of Professional Ethics for Teachers as a result of his interactions with an 18-year-old student (Student) at Tripp-Delmont Public School.
5. The complaint was served on Tuntland on or about August 27, 2015:



6. A due and proper amended notice of hearing was served on Tuntland, advising him of the time and place of the hearing.
7. A hearing on the complaint was held on January 14, 2016, in Conference Room 1, MacKay Building, 800 Governors Drive, Pierre, South Dakota, at 1:00 p.m. CT.
8. Tuntland failed to appear at the January 14, 2016, hearing to request a private hearing, so a public hearing was held.
9. Tuntland's failure to appear at the hearing constitutes an admission of the allegations contained in the complaint.
10. During the 2014-2015 academic year, Tuntland was employed as an industrial arts, shop, and agriculture teacher in the Tripp-Delmont and Scotland School Districts. Tuntland had been employed by the districts for approximately nine years.
11. On or about July 28, 2015, Superintendent Swenson was contacted by Sabrina Seaton, a Tripp resident. Seaton requested to meet with Swenson regarding information Seaton had about a potentially inappropriate relationship between Tuntland and a recent graduate of Tripp-Delmont High School.
12. Superintendent Swenson met with Seaton at 1:30 p.m. on July 29, 2015, at which time Seaton informed Swenson that Student, an 18-year-old female who graduated from Tripp-Delmont High School in May 2015, had told Seaton that she had a sexual relationship with Tuntland.
13. Seaton worked with Student at a local nursing home and they developed a friendship where Student felt comfortable confiding in Seaton.
14. Student informed Seaton that she and Tuntland had been seeing each other since early April 2015 and the relationship became sexual at approximately the same time.
15. Superintendent Swenson met with Student on July 30, 2015, at 1:30 p.m.
16. Student informed Swenson that her relationship with Tuntland progressed from a platonic to a sexual relationship and that their first sexual encounter occurred in April 2015, prior to Student's graduation on May 21, 2015.
17. Student informed Swenson that she and Tuntland engaged in sexual intercourse and oral sex.
18. In addition to sexual encounters at his home, Tuntland and Student also engaged in sexual intercourse in a vehicle on approximately two occasions.
19. Student additionally informed Swenson that Tuntland provided her with alcohol and cigarettes when they spent time together.
20. Student stated to Swenson that prior to developing a sexual relationship with Tuntland, she would spend the night at his home. At this time, Student and Tuntland shared a bed with their clothing removed, but they did not engage in sexual intercourse.

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

CONCLUSIONS OF LAW

35. Because the complaint concerned conduct that occurred during the period when Tuntland's certificate was valid, and was filed after the certificate expired, but before it had lapsed, and because Tuntland was able to apply for his certificate to be renewed and reissued, 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.

36. Tuntland's failure to appear at the hearing acts as an admission to all items alleged in the complaint.

37. The burden of proof in this matter as a contested case hearing is clear and convincing. In re: Setliff, 2002 SD 58, 245 N.W.2d 601, 605.

38. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 24:08:03:01 that in fulfilling their obligations to the students, educators shall act as follows:

(7) Maintain professional relationships with students without exploitation of a student for personal gain or advantage;

(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.

39. 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:

(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[.]

40. The complainant has met its burden of proof as a result of the testimony presented at the hearing regardless of Tuntland's default due to his failure to appear at the hearing.

41. Clear and convincing evidence exists that Tuntland violated ARSD 24:08:03:01(7) and (10) and ARSD 24:08:03:02(8).

42. 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 Tuntland as provided for in SDCL § 13-43-28.1. The Commission recommends immediate and permanent revocation of

Tuntland's teaching certificate, effective on the date the applicable order is signed by the Secretary of Education. It is further

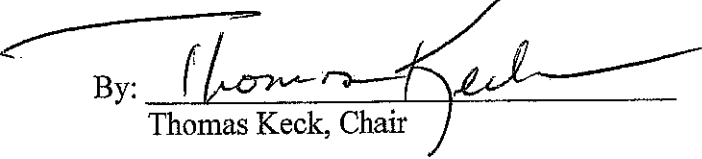
ORDERED that a copy of the Findings of Fact, Conclusions of Law, and Order be sent to the parties herein. It is further

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 National Association of the State Directors of Teacher Education and Certification Clearinghouse and that it remain with the Department's permanent certification file. It is further

ORDERED that the Department may release the Findings of Fact, Conclusions of Law, and Order to the certification office of any state in which the respondent holds or applies for a certificate.

Dated this 29th day of FEBRUARY, 2016.

PROFESSIONAL TEACHERS PRACTICES
AND STANDARDS COMMISSION

By: 
Thomas Keck, Chair