

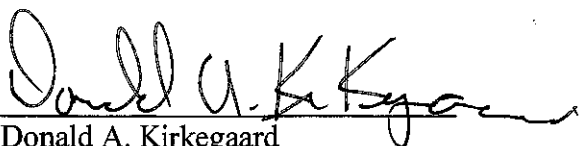
STATE OF SOUTH DAKOTA	)	OFFICE OF THE SECRETARY
	SS:	
COUNTY OF HUGHES	)	SOUTH DAKOTA DEPT. OF EDUCATION
In re: certification application of	)	DSE 2018-01
PAUL M. MULLOY)	
	)	ORDER DENYING TEACHING
	)	CERTIFICATE
)	

Pursuant to the authority granted to the Secretary by SDCL 13-42-4, 13-42-7, 13-42-9, and ARSD article 24:18, and after review of the record herein, the Secretary issues the following ORDER:

1. The Secretary accepts the allegations of the Notice of Intent to deny Teaching Certificate as true and enters the attached Findings of Fact and Conclusions of Law.
2. The application of Paul M. Mulloy for a teaching certificate is DENIED for a period of three years from the date of this order. If Mulloy reapplies at the end of this denial period, he must meet all certification requirements at the time the application is submitted before a certificate could be issued. ARSD 24:18:04:02.
3. This Order and attached findings and conclusions are a public record pursuant to SDCL 13-42-17.1 and ARSD 24:18:04:05.

This constitutes final agency action and may be appealed to circuit court pursuant to ARSD 24:18:02:06.

Dated this 1 day of JUNE, 2018.


Donald A. Kirkegaard
Secretary
South Dakota Department of Education

STATE OF SOUTH DAKOTA	)	OFFICE OF THE SECRETARY
	SS:	
COUNTY OF HUGHES	)	SOUTH DAKOTA DEPT. OF EDUCATION
In re: certification application of	)	DSE 2018-01
PAUL M. MULLOY)	
	)	FINDINGS OF FACT and
	)	CONCLUSIONS OF LAW
)	

Following receipt of Paul M. Mulloy’s application for teaching certificate and Notice of Intent to Deny Teaching Certificate, and after review of the entire file herein, the Secretary enters the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. On February 16, 2018, the South Dakota Department of Education, Office of Teacher Quality, served a Notice of Intent to Deny Teaching Certificate and attached exhibits on Paul M. Mulloy (“Mulloy”) via certified mail, first class mail, and e-mail. Exhibit 3.

2. The Notice of Intent informed Mulloy that if he failed to request a hearing within 30 days after service of the notice, the allegations of the Notice would be accepted as true by the Secretary. Exhibit 3.

3. The Department received no request for hearing from Mulloy within the 30-day period, which ended on or about March 18, 2018.

4. On or about January 28, 2017, Mulloy applied for an initial teaching certificate with the Department. Exhibit 1.

5. Mulloy answered “yes” to Question 6 of the Applicant Conduct Review Statement portion of the application, which asked:

“Is there any type of adverse action pending against any credential, license or certificate that you now hold or have ever held that authorizes school teaching or educational service?”

6. Mulloy's answer to Question 6 was as follows:

"I do not have this information. The investigation has yet to be completed."

7. Mulloy answered "yes" to Question 7 of the Applicant Conduct Review Statement portion of the application, which asked:

"Have you ever left employment, been discharged, terminated or resigned to avoid dismissal or disciplinary action?"

8. Mulloy's answer to Question 7 was as follows:

"Due to unknowingly not elaborating on information about communication through district resources with students I was given the opportunity to resign to continue my education career elsewhere."

9. Due to the "yes" answers on Mulloy's application, the Department conducted an investigation into Mulloy's application. A phone interview was held on February 15, 2017. During that interview, Mulloy stated that he was under current investigation for improper communication with three female sophomore and junior students. Mulloy stated that the communication occurred through district email accounts and that he was acting as a mentor. Mulloy also indicated that the issue with the communications was the timing of the communications, rather than the communications themselves, as he sent them late at night. Mulloy also stated that he did not contact these students through social media.

10. On or about November 9, 2017, the Oregon Teacher Standards and Practices Commission (Commission) entered a Stipulation of Facts, Conclusions of Law, and a Final Order of Suspension in the case entitled "In the Matter of the Educator License of Paul M. Mulloy." Exhibit 2.

11. Mulloy signed the Stipulation of Facts on or about July 17, 2017. Exhibit 2.

12. The Stipulation of Facts contained the following facts:

- a. On or about July 8, 2011, Mulloy obtained a teaching license from the Teacher Standards and Practices Commission (Commission) of the State of Oregon.
Mulloy was subsequently licensed by the Commission through August 5, 2018.
- b. At all times relevant to the Commission case, Mulloy was employed by the Beaverton School District (BSD).
- c. On or about October 7, 2016, BSD reported to the Commission that Mulloy was investigated for conduct that may be considered gross neglect of duty or gross unfitness.
- d. BSD alleged that Mulloy was disciplined for failing to observe professional boundaries in communications with female students. Mulloy was found to have continued a pattern of unprofessional communications related to inappropriate student/teacher boundaries.
- e. On or about January 6, 2016, BSD received information regarding Mulloy's boundary issues with students. The subsequent investigation determined that Mulloy had continual contact with former female students via text messages and social media, about a variety of topics including sports, school, and personal issues.
- f. Regarding the communications referenced in paragraphs 12(d) and 12(e), Mulloy indicated that he considered himself a mentor, counselor, and advisor to students. Mulloy provided advice to students on school assignments, school activities, and social activities.
- g. An initial investigation determined that the communications referenced in paragraphs 12(d) and 12(e) were the only communications between Mulloy and

the students and that several students' parents were aware of the communication. Mulloy acknowledged the communications were unprofessional and ended the communications.

- h. On or about January 29, 2016, Mulloy was issued a "letter of concern" in which he was directed to use good judgment and maintain professional relationships and communication with students. The letter directed Mulloy to never communicate with current or former students via texting or social media. The letter further directed Mulloy to comply with and follow district expectations for professional standards, specifically "not demonstrating or expressing professionally inappropriate interest in a student's personal life; not accepting or giving or exchanging romantic or overly personal gifts or notes with a student; and honoring appropriate adult boundaries with students in conduct and conversation at all times."
- i. On or about August 30, 2016, BSD school officials received information that Mulloy communicated with recently graduated students in person or via the social media platform Instagram. Mulloy explained the communications were those of a former teacher checking in on former students' college plans and areas of study, and that he did not believe his conduct violated the letter of concern because the students had graduated.
- j. Several of the students involved in the communications referenced in paragraph 12(i) indicated that they felt uncomfortable with the nature of Mulloy's communications.

- k. Subsequent to August 30, 2016, BSD learned that Mulloy was also communicating with current district students. Mulloy indicated that, to his belief, these communications did not violate the letter of concern because he utilized his school district email to communicate, not texting or social media platforms.
- l. Examples of Mulloy's inappropriate communications to students include:
- i. Sending one female student over 150 emails after receiving the letter of concern. Mulloy communicated with this student on February 2, 2016, that email communication would be the best way to communicate "at least for the next couple of years." This was four days after Mulloy received the letter of concern.
 - ii. At 12:19 a.m. on Saturday, April 30, 2016, Mulloy emailed a female student the following: "You're smart, beautiful, kind, fun to be around...you will have plenty of success."
 - iii. At 9:03 a.m. on Saturday, April 30, 2016, Mulloy emailed that same student the following: "OK so I just realized I said beautiful and I'm really sorry. I was half awake and should not have said that. Not sure what I was thinking...Sorry."
 - iv. At 11:19 p.m. on Tuesday, May 3, 2016, Mulloy emailed that student the following: "hey are you still up?"
 - v. At 9:31 p.m. on Tuesday, May 10, 2016, Mulloy emailed that student the following: "Hey. So you popped up on my Instagram like search thing and I saw a picture of you from prom and you looked great just fyi :)..."

- m. Mulloy inappropriately communicated with students and former students in a manner that made those students feel uncomfortable.
- n. Mulloy failed to meet the defined standards set out in the letter of concern and violated district policies in his continued communications with students and former students.
- o. Mulloy's communications to his students were personal, unprofessional, and in violation of the letter of concern's spirit and intent.
- p. Mulloy was not honest and forthright in his participation in the investigations.
- q. On or about October 31, 2016, Mulloy resigned his employment with BSD.

Exhibit 2.

13. The Commission's Conclusions of Law stated that Mulloy engaged in conduct constituting "gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*), OAR 584-020-0030(2)(b) (*Skill in communicating with administrators, students, staff, parents, and other patrons*); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(A) (*Not demonstrating or expressing professionally inappropriate interest in a student's personal life*), OAR 584-020-0035(1)(c)(B) (*Not accepting or giving or exchanging romantic or overly personal gifts or notes with a student*), and OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and conversations at all times*)." Exhibit 2.

14. The Commission entered an order suspending Mulloy's Oregon teacher's license for a thirty-day period. Exhibit 2.

15. The Stipulations of Fact, Conclusions of Law, and Order were served on Mulloy on or about November 17, 2017. Exhibit 2.

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

CONCLUSIONS OF LAW

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

2. 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.

3. The Professional Teachers Practices and Standards Commission has 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.

4. The code of ethics requires a teacher to "[c]onduct professional business in such a way that they do not expose the students to unnecessary intimidation, embarrassment, or disparagement." ARSD 24:08:03:01(5).

5. The code of ethics requires a teacher to "[m]aintain professional relationships with students in a manner which is free of vindictiveness, recrimination, and harassment." ARSD 24:08:03:01(9).

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

7. The code of ethics requires a teacher to “[n]ot misuse or abuse school equipment or property.” ARSD 24:08:03:02(9).

8. The actions underlying the facts to which Mulloy stipulated in the Oregon Commission’s Stipulation, Conclusions, and Order, referenced in paragraphs 12(c) through 12(p) of the above-listed Findings of Fact, constitute a failure to conduct professional business in such a way that students were exposed to unnecessary intimidation, embarrassment, or disparagement and violate ARSD 24:08:03:01(5).

9. The actions underlying the facts to which Mulloy stipulated in the Oregon Commission’s Stipulation, Conclusions, and Order, referenced in paragraphs 12(c) through 12(p) of the above-listed Findings of Fact, constitute a failure to maintain professional relationships with students in a manner free of vindictiveness, recrimination, and harassment and violate ARSD 24:08:03:01(9).

10. The actions underlying the facts to which Mulloy stipulated in the Oregon Commission’s Stipulation, Conclusions, and Order, referenced in paragraphs 12(c) through 12(p) of the above-listed Findings of Fact, constitute moral turpitude and/or gross immorality and violate ARSD 24:08:03:02(8).

11. The actions underlying the facts to which Mulloy stipulated in the Oregon Commission’s Stipulation, Conclusions, and Order, referenced in paragraphs 12(c) through 12(p) of the above-listed Findings of Fact, constitute misuse or abuse of school equipment or property and violate ARSD 24:08:03:02(9).

12. Mulloy’s information and representations during the phone interview with the Department on February 15, 2017, did not accurately portray his communications with students or the conduct underlying the investigation of the Oregon Commission. In addition, Mulloy

stipulated in the Commission's stipulation of facts that he was not honest and forthright in his participation in the investigations. This conduct constitutes use of misleading or false statements and violates ARSD 24:08:03:02(8).


13. Pursuant to ARSD 24:18:03:02, the Oregon Commission's Order suspending Mulloy's teaching license is prima facie evidence that Mulloy does not meet the requirements for certification in the state of South Dakota.

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

15. Mulloy's application should be denied for violations of the code of ethics. SDCL 13-42-9(2); ARSD 24:08:03:01(5) and (9); ARSD 24:08:03:02(8) and (9).

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

Dated this 1 day of JUNE, 2018.


Donald A. Kirkegaard
Secretary
South Dakota Department of Education
800 Governors Drive
Pierre, SD 57501



south dakota
DEPARTMENT OF EDUCATION
Learning. Leadership. Service.

February 03, 2017

Name: Mulloy, Paul Michael
(Show Details)



Address:



DOE Desktop

Applicant Summary (Application History)

Application Status

Paul Mulloy

General Information

Status: Submitted to DOE
Application Type: Initial Application
Application Number: MU0387805201702858108
Initiated Date: 1/28/2017 12:05 PM
Activation Date: 1/28/2017 12:32 PM
Payment Type: Credit Card

647

Demographic Information

Social Security Number: [Redacted]
First Name: Paul
Middle Name: Michael
Last Name: Mulloy
Previous Last Name(s):
Date of Birth: [Redacted]
Gender: M
Hispanic / Latino: No
Race(s): Asian

Address: [Redacted]

City: Rapid City
State: SD
Zip or Postal Code: 57703
Country: United States

Daytime Phone: [Redacted]
Evening Phone: [Redacted]

Email Address: [Redacted]

Is your spouse a member of the armed forces of the United States and recently the subject of a military transfer to South Dakota? No

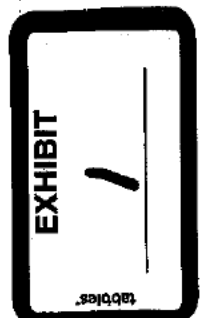
Did you leave employment in another state or the District of Columbia to accompany your spouse to South Dakota? No

Professional Preparations Section (Initial Applications)

Teacher Middle School
 Teacher High School

Majors

University	Attainment Level	Degree	Major / Specialization	Minor	Attainment Date	Attended	Transcript Coming	UCO Action	Alt Program
Portland State University	Degree Completed	Bachelors	History	Psychology	6/1/2009	9/1/2007 to 6/1/2009	Y		N



Pacific Univeristy	Degree Completed	Masters	Education	6/1/2011	2/1/2010 to 6/1/2011	N
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Have you signed a contract to be employed as a teacher or administrator in South Dakota during the current or upcoming school year? No
 If Yes, for which school or school district?

Other Certificates

Do you currently hold a valid certificate or license from another state or District of Columbia to teach or otherwise work in a school? Yes

State or Country

Oregon

Endorsements Section (Initial Applications)

- 2001 5-8 Middle Level Education - Language Arts
- 2002 5-8 Middle Level Education - Social Science
- 6010 7-12 Social Science Education - History

Praxis Tests

Test Code Test Name Score Date Taken

Conduct Review

Hide

Applicant Conduct Review Statement

Failure to answer any of these questions in a truthful and complete manner or failure to provide truthful information or documentation requested could lead to denial of a certificate to teach or hold an administrative position in South Dakota or could lead to disciplinary action being taken against any teaching or school administrative certification that you possess.

Respond to **EVERY** item. If an arrow (➔) follows your response, follow the instructions given. If you do not follow the instructions or the required documents are not sent to the Department of Education, your application **may be significantly delayed**.

1. Have you ever been arrested or charged with any criminal offense?

The term **criminal offense** includes misdemeanor and felony offenses. It does not include petty offenses such as minor traffic offenses including but not limited to: Speeding tickets, stop sign violations, or careless driving offenses. If you are not sure whether the crime would be a minor offense, please include the offense. All Class I misdemeanor offenses and Class II non-traffic misdemeanor offenses must be disclosed.

Yes No

2. Have you ever been convicted or pleaded guilty to any criminal offense?

The term **conviction** includes a finding of guilt by a judge or jury, or admission of guilt or plea of guilty, or a plea without an admission of guilt. You must include those crimes where the sentence was stayed, suspended, executed or you received a suspended imposition of sentence.

All persons hired by a school district (either directly or by contract/agreement) shall submit to a criminal background check investigation by means of fingerprint checks by the Division of Criminal Investigation and Federal Bureau of Investigation. SDCL 13-10-12. Criminal convictions may be considered in hiring decisions. SDCL 13-10-13 Suspension or resignation of Employee for criminal conviction shall be reported to the Department of Education. SDCL 13-10-15.

Yes No

3. Has it ever been determined by a judge or jury in South Dakota or elsewhere that a child or minor adult was abused or neglected through your actions or omissions?

Yes No

4.

Have you ever been in arrears or failed to pay child support in this state or elsewhere?

Certificates will not be issued to anyone in child support arrears according to SDCL 25-7A-56.

Yes No

5. 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?

Yes No

6. Is there any type of adverse action pending against any credential, license or certificate that you now hold or have ever held that authorizes school teaching or educational service?

Yes No

➔ Attach material explaining the action or charges, location(s), date(s), and the agency involved.

I do not have this information. The investigation has yet to be completed.

7. Have you ever left employment, been discharged, terminated or resigned to avoid dismissal or disciplinary action?

Yes No

➔ Please explain briefly.

Due to unknowingly not elaborating on information about communication through district resources with students I was given the opportunity to resign to continue my education career elsewhere.

8. Have you ever held a license, certificate or credential, other than as a teacher or administrator, which has been revoked, cancelled, rescinded, suspended or taken away in South Dakota or elsewhere?

Yes No

9. 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.

Yes No

*The Secretary may, deny, revoke or suspend a certificate for any cause which would prevent its issue, plain violation of contract, gross immorality, incompetency, violation of the Code of Ethics effective on July 1, 2001, flagrant neglect of duty or conviction of a crime involving moral turpitude. SDCL 13-42-7, 13-42-9 and 13-42-10. The Secretary may suspend a certificate for one year for jumping or breaking contract. SDCL 13-42-9.

Authorization

I hereby authorize the Department of Education to review and inspect and all records maintained by the State of South Dakota, Tribal entities and/or the Federal Government for the purpose of verifying the answers submitted above.

I further agree to provide any additional documentation or records requested by the Department of Education that pertains to information submitted as a part of this application.

I specifically waive any privacy right or personal right to prior notice that may attach to the records.

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.

Signature:

Citizenship and Oath

Country of Citizenship: United States
Oath of Allegiance Signed: Yes
Statement of Truth Signed: Yes

(AppID: 58108)

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

OF THE STATE OF OREGON

In the Matter of the	)	STIPULATION OF FACTS AND
Educator License of	)	FINAL ORDER OF SUSPENSION
PAUL MICHAEL MULLOY)	



On or about October 7, 2016, the Teacher Standards and Practices Commission (Commission) received a report from the Beaverton School District, indicating possible misconduct related to Paul Michael Mulloy's (Mulloy) professional boundaries.

After review of the matters alleged, Mulloy and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts, and the imposition of a thirty (30) day suspension of Mulloy' Oregon educator license.

This document sets forth the facts upon which the parties have agreed and the stipulated sanction to be imposed. Mulloy stipulates that there is sufficient evidence in the Commission's files and records to support the findings of fact, conclusions of law, and order set forth below.

By signing below, Mulloy acknowledges, understands, stipulates, and agrees to the following:

- (i) he has been fully advised of his rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Suspension (Stipulation and Final Order);
- (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission;
- (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither Mulloy nor the Commission are bound by the terms herein;
- (iv) he has fully read this Stipulation and Final Order, and understands it completely;
- (v) he voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated Final Order below;
- (vi) he states that no promises or representation has been made to induce him to sign this Stipulation and Final Order; and
- (vii) he has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised with



regard to his rights thereto, or waives any and all rights to consult with an attorney prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

STIPULATION OF FACTS


- 1) The Commission has licensed Mulloy since July 8, 2011. Mulloy holds an Initial I Teaching License, with endorsements in Middle School Language Arts (ML), Social Studies (HS, ML), and Multiple Subjects (MIDLVL), valid from October 9, 2014, through August 5, 2018. During all relevant times, Mulloy was employed by the Beaverton School District.
- 2) On October 7, 2016, the Commission received a report from Beaverton School District advising that Mulloy had been investigated for conduct that may be considered gross neglect of duty or gross unfitness. The report alleges Mulloy was disciplined for failing to observe professional boundaries in communications with female students. Mulloy was later found to have continued a pattern of unprofessional communications related to inappropriate teacher / student boundaries.
- 3) On or about January 6, 2016, Beaverton School District received information alleging Mulloy had boundary issues with students. Investigation determined that Mulloy had continued contact with former female students who had moved on to high school by means of text messaging and social media. The context of these communications included school, sports, and personal issues. Mulloy indicated that he perceived himself as a mentor, counselor, and an advisor of sorts to these students. Mulloy provided advice to these students related to school assignments, school activities and social activities. On one instance Mulloy provided guidance to a student who was experiencing an eating disorder where Mulloy encouraged her to communicate with her parent.

Investigation determined these were the only communications between Mulloy and the students. Several of the involved student's parents were aware of the communications. Mulloy acknowledged that the communications were unprofessional and immediately ceased participation.

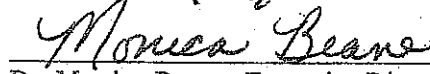
On January 29, 2016, Mulloy was issued a "Letter of Concern" where Mulloy was directed to use good judgement and maintain only professional relationships and communications with students. Mulloy was told to never communicate with current or former students through texting or social media platforms. Mulloy was advised to comply and follow district expectations related to professional standards, specifically "Not demonstrating or expressing professionally inappropriate interest in a student's personal life; not accepting or giving or exchanging romantic or overly

had violated related district policies. The district advised they would be seeking Mulloy's termination and effective October 31, 2016, Mulloy resigned his employment with the Beaverton School District.

IT IS SO STIPULATED:


Paul Michael Mulloy

7/17/2017
Date


Dr. Monica Beane, Executive Director
Teacher Standards and Practices Commission

7/27/17
Date

CONCLUSIONS OF LAW

The above described conduct that Paul Michael Mulloy engaged in constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*), OAR 584-020-0030(2)(b) (*Skill in communicating with administrators, students, staff, parents, and other patrons*); and OAR 584-020-0040(4)(o) as it incorporates, OAR 584-020-0035(1)(c)(A) (*Not demonstrating or expressing professionally inappropriate interest in a student's personal life*), OAR 584-020-0035(1)(c)(B) (*Not accepting or giving or exchanging romantic or overly personal gifts or notes with a student*), and OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and conversations at all times*).

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

ORDER

The Commission hereby adopts and incorporates herein the above stipulation of facts, conclusions of law, and based thereon hereby imposes a thirty (30) day suspension upon Mulloy's Oregon educator license as follows:

Paul Michael Mulloy's Oregon educator license is hereby suspended for thirty (30) days following the adoption of this order.

IT IS SO ORDERED this 9th day of November, 2017.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: Trent J. Danowski
~~Executive Director~~

Trent J. Danowski, Co-DIRECTOR

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I served the foregoing Stipulation of Facts and Final Order of Suspension and Probation, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail – Return Receipt Requested, addressed to:

Paul Michael Mulloy


DATED this 17th day of November, 2017.

By: *Patty Sheldon*
Patty Sheldon
Investigative Assistant

Certificate of Mailing – Paul Michael Mulloy

Data Classification Level: 2 - Limited
DO: Sheldon

STATE OF SOUTH DAKOTA

) DIVISION OF THE SECRETARY

ss:

COUNTY OF HUGHES

) SOUTH DAKOTA DEPT. OF EDUCATION

In re: certification application of
PAUL M. MULLOY

)
)
) DSE 2018-01

)
) NOTICE OF INTENT TO DENY
) TEACHING CERTIFICATE
)

TO: Paul M. Mulloy



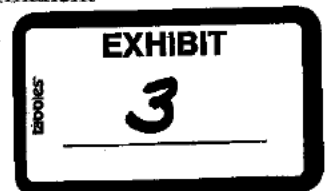
Carla Leingang, Administrator of the Office of Certification of the South Dakota Department of Education (Department), hereby provides notice of intent to deny the certification application of Paul M. Mulloy (Mulloy) submitted to the Department.

You may request a hearing on this matter **within 30 days after service of this notice.**

This request must be in writing and include a description of the action being appealed. Requests must be mailed to:

Division of the Secretary
ATTN: Ferne Haddock
South Dakota Department of Education
800 Governors Drive
Pierre, SD 57501

If you fail to request a hearing within 30 days after service of this notice, then the allegations of this Notice of Intent to Deny the Application for Teaching Certificate will be accepted as true by the Secretary of the Department of Education, and your application for a teaching certificate will be denied. An Order of Denial and associated Findings of Fact and Conclusions of Law by the Secretary are public documents pursuant to SDCL §§ 1-27, 1-26-2, and 13-42-17.1. Record of denial may be served on the school at which you were last employed or entered into an employment contract pursuant to ARSD 24:18:02:05. Record of denial will also be placed in your permanent



certification file and provided to the National Association of State Directors of Teacher Education and Certification (NASDTEC) clearinghouse.

The reasons for this Notice are as follows:

1. On or about January 28, 2017, Mulloy applied for an initial teaching certificate with the Department. Exhibit 2.

2. Mulloy answered “yes” to Question 6 of the Applicant Conduct Review Statement portion of the application, which asked:

“Is there any type of adverse action pending against any credential, license or certificate that you now hold or have ever held that authorizes school teaching or educational service?”

3. Mulloy’s answer to Question 6 was as follows:

“I do not have this information. The investigation has yet to be completed.”

4. Mulloy answered “yes” to Question 7 of the Applicant Conduct Review Statement portion of the application, which asked:

“Have you ever left employment, been discharged, terminated or resigned to avoid dismissal or disciplinary action?”

5. Mulloy’s answer to Question 7 was as follows:

“Due to unknowingly not elaborating on information about communication through district resources with students I was given the opportunity to resign to continue my education career elsewhere.”

6. Due to the “yes” answers on Mulloy’s application, the Department conducted an investigation into Mulloy’s application. A phone interview was held on February 15, 2017. During that interview, Mulloy stated that he was under current investigation for improper communication with three female sophomore and junior students. Mulloy stated that the communication occurred through district email accounts and that he was acting as a mentor. Mulloy also indicated that the issue with the communications was the timing of the

communications, rather than the communications themselves, as he sent them late at night.

Mulloy also stated that he did not contact these students through social media.

7. On or about November 9, 2017, the Oregon Teacher Standards and Practices Commission (Commission) entered a Stipulation of Facts, Conclusions of Law, and a Final Order of Suspension in the case entitled “In the Matter of the Educator License of Paul M. Mulloy.” Exhibit 1.

8. Mulloy signed the Stipulation of Facts on or about July 17, 2017. Exhibit 1.

9. The Stipulation of Facts contained the following facts:

a. On or about July 8, 2011, Mulloy obtained a teaching license from the Teacher Standards and Practices Commission (Commission) of the State of Oregon. Mulloy was subsequently licensed by the Commission through August 5, 2018.

b. At all times relevant to the Commission case, Mulloy was employed by the Beaverton School District (BSD).

c. On or about October 7, 2016, BSD reported to the Commission that Mulloy was investigated for conduct that may be considered gross neglect of duty or gross unfitness.

d. BSD alleged that Mulloy was disciplined for failing to observe professional boundaries in communications with female students. Mulloy was found to have continued a pattern of unprofessional communications related to inappropriate student/teacher boundaries.

e. On or about January 6, 2016, BSD received information regarding Mulloy’s boundary issues with students. The subsequent investigation determined that Mulloy

had continual contact with former female students via text messages and social media, about a variety of topics including sports, school, and personal issues.

f. Regarding the communications referenced in paragraphs 9(d) and 9(e), Mulloy indicated that he considered himself a mentor, counselor, and advisor to students. Mulloy provided advice to students on school assignments, school activities, and social activities.

g. An initial investigation determined that the communications referenced in paragraphs 9(d) and 9(e) were the only communications between Mulloy and the students and that several students' parents were aware of the communication. Mulloy acknowledged the communications were unprofessional and ended the communications.

h. On or about January 29, 2016, Mulloy was issued a "letter of concern" in which he was directed to use good judgment and maintain professional relationships and communication with students. The letter directed Mulloy to never communicate with current or former students via texting or social media. The letter further directed Mulloy to comply with and follow district expectations for professional standards, specifically "not demonstrating or expressing professionally inappropriate interest in a student's personal life; not accepting or giving or exchanging romantic or overly personal gifts or notes with a student; and honoring appropriate adult boundaries with students in conduct and conversation at all times."

i. On or about August 30, 2016, BSD school officials received information that Mulloy communicated with recently graduated students in person or via the social media platform Instagram. Mulloy explained the communications were those of a former teacher checking in on former students' college plans and areas of study, and that he did not believe his conduct violated the letter of concern because the students had graduated.

j. Several of the students involved in the communications referenced in paragraph 9(i) indicated that they felt uncomfortable with the nature of Mulloy's communications.

k. Subsequent to August 30, 2016, BSD learned that Mulloy was also communicating with current district students. Mulloy indicated that, to his belief, these communications did not violate the letter of concern because he utilized his school district email to communicate, not texting or social media platforms.

l. Examples of Mulloy's inappropriate communications to students include:

i. Sending one female student over 150 emails after receiving the letter of concern. Mulloy communicated with this student on February 2, 2016, that email communication would be the best way to communicate "at least for the next couple of years." This was four days after Mulloy received the letter of concern.

ii. At 12:19 a.m. on Saturday, April 30, 2016, Mulloy emailed a female student the following: "You're smart, beautiful, kind, fun to be around...you will have plenty of success."

iii. At 9:03 a.m. on Saturday, April 30, 2016, Mulloy emailed that same student the following: "OK so I just realized I said beautiful and I'm really sorry. I was half awake and should not have said that. Not sure what I was thinking...Sorry."

iv. At 11:19 p.m. on Tuesday, May 3, 2016, Mulloy emailed that student the following: "hey are you still up?"

v. At 9:31 p.m. on Tuesday, May 10, 2016, Mulloy emailed that student the following: “Hey. So you popped up on my Instagram like search thing and I saw a picture of you from prom and you looked great just fyi :)...”

m. Mulloy inappropriately communicated with students and former students in a manner that made those students feel uncomfortable.

n. Mulloy failed to meet the defined standards set out in the letter of concern and violated district policies in his continued communications with students and former students.

o. Mulloy’s communications to his students were personal, unprofessional, and in violation of the letter of concern’s spirit and intent.

p. Mulloy was not honest and forthright in his participation in the investigations.

q. On or about October 31, 2016, Mulloy resigned his employment with BSD.

Exhibit 1.

10. The Commission’s Conclusions of Law stated that Mulloy engaged in conduct constituting “gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*), OAR 584-020-0030(2)(b) (*Skill in communicating with administrators, students, staff, parents, and other patrons*); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(A) (*Not demonstrating or expressing professionally inappropriate interest in a student’s personal life*), OAR 584-020-0035(1)(c)(B) (*Not accepting or giving or exchanging romantic or overly personal gifts or notes with a*

student), and OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and conversations at all times*).”

11. The Commission entered an order suspending Mulloy’s Oregon teacher’s license for a thirty-day period. Exhibit 1.

12. The Stipulations of Fact, Conclusions of Law, and Order were served on Mulloy on or about November 17, 2017. Exhibit 1.

13. Grounds for denial or non-renewal of a teacher’s certificate are provided in SDCL Chapter 13-42. 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.

14. The Professional Teachers Practices and Standards Commission has 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.

15. The code of ethics requires a teacher to “[c]onduct professional business in such a way that they do not expose the students to unnecessary intimidation, embarrassment, or disparagement.” ARSD 24:08:03:01(5).

16. The code of ethics requires a teacher to “[m]aintain professional relationships with students in a manner which is free of vindictiveness, recrimination, and harassment.” ARSD 24:08:03:01(9).

17. The code of ethics requires a teacher to “[e]xemplify high moral standards by not engaging in or becoming a party to such activities as. . . moral turpitude, gross immorality. . . or use of misleading or false statements.” ARSD 24:08:03:02(8).

18. The code of ethics requires a teacher to “[n]ot misuse or abuse school equipment or property.” ARSD 24:08:03:02(9).

19. The actions underlying the facts to which Mulloy stipulated in the Oregon Commission’s Stipulation, Conclusions, and Order, referenced in paragraphs 9(c) through 9(p), constitute a failure to conduct professional business in such a way that students were exposed to unnecessary intimidation, embarrassment, or disparagement and violate ARSD 24:08:03:01(5).

20. The actions underlying the facts to which Mulloy stipulated in the Oregon Commission’s Stipulation, Conclusions, and Order, referenced in paragraphs 9(c) through 9(p), constitute a failure to maintain professional relationships with students in a manner free of vindictiveness, recrimination, and harassment and violate ARSD 24:08:03:01(9).

21. The actions underlying the facts to which Mulloy stipulated in the Oregon Commission’s Stipulation, Conclusions, and Order, referenced in paragraphs 9(c) through 9(p), constitute moral turpitude and/or gross immorality and violate ARSD 24:08:03:02(8).

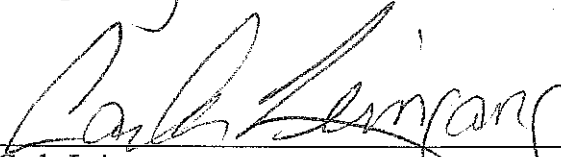
22. The actions underlying the facts to which Mulloy stipulated in the Oregon Commission’s Stipulation, Conclusions, and Order, referenced in paragraphs 9(k) through 9(p), constitute misuse or abuse of school equipment or property and violate ARSD 24:08:03:02(9).

23. Mulloy’s information and representations during the phone interview with the Department on February 15, 2017, did not accurately portray his communications with students or the conduct underlying the investigation of the Oregon Commission. In addition, Mulloy stipulated in the Commission’s stipulation of facts that he was not honest and forthright in his participation in the investigations. This conduct constitutes use of misleading or false statements and violates ARSD 24:08:03:02(8).

24. Pursuant to ARSD 24:18:03:02, the Oregon Commission's Order suspending Mulloy's teaching license is prima facie evidence that Mulloy does not meet the requirements for certification in the state of South Dakota.

THEREFORE, notice is hereby provided of the intent to deny Mulloy's application for a teaching certificate pursuant to SDCL Chapter 13-42 and ARSD 24:08:03:01(5), 24:08:03:01(9), 24:08:03:02(8), 24:08:03:02(9), and 24:18:03:02.

Dated this 16th day of February, 2018.



Carla Leingang
Administrator, Office of Certification
South Dakota Department of Education
800 Governors Drive
Pierre, SD 57501

CERTIFICATE OF SERVICE

Holly R. Farris, legal counsel for the South Dakota Department of Education, hereby certifies that on the 10th day of February, 2018, the Notice of Intent to Deny Teaching Certificate was served on the following at his last known address via certified mail, US mail, and email:

Paul M. Mulloy



Holly R. Farris

A handwritten signature in cursive script that reads "Holly R. Farris". The signature is written over a horizontal line.