

STATE OF SOUTH DAKOTA	)	DIVISION OF THE SECRETARY
	ss:	
COUNTY OF HUGHES	)	SOUTH DAKOTA DEPT. OF EDUCATION
In re: certification application of	)	DSE 2019-05
MADDISON M. BROWN	)	
	)	SETTLEMENT
	)	AGREEMENT
	)	

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This Agreement is hereby entered into by the South Dakota Department of Education (“Department”) and Maddison M. Brown (“Brown”) regarding her application for a renewed educator certificate. In the respective opinions of the parties, this Agreement is fair, reasonable, and in the public interest.

The parties agree as follows:

1. This Agreement shall be effective from the date it is signed by both parties.
2. The parties agree to the Stipulated Findings of Fact and Conclusions of Law attached hereto as Exhibit A.
3. Brown has applied for a renewed educator certificate.
4. Investigation into Brown’s application has revealed the conduct history attached as Exhibit A.
5. Brown’s application for an educator certificate (dated February 13, 2019) shall be denied and notice of denial filed with the National Association of State Directors of Teacher Education and Certification (NASDTEC) for placement on the NASDTEC registry.
6. Brown’s right to apply for any type of certificate with the Department shall be suspended until June 8, 2022. The Department may deny any application for a certificate filed during this period without opportunity for hearing based on the stipulated Findings and Conclusions in Exhibit A.

7. If Brown applies for any type of certificate upon the conclusion of the period referenced in paragraph 6, then the Department will not use the Stipulated Findings and Conclusions to deny the application if all of the following conditions are met:

a. Brown has completed the ProEthica continuing education program specific to educator ethics within the six-month period prior to applying for renewed educator certification and provides proof of completion to the Department within 14 calendar days of completion,

b. Brown has completely and truthfully answered all questions on the application and completely supplied the Department with all additional information and materials requested by the Department in regard to the application.

c. Brown is not the subject of an ongoing educator licensure disciplinary proceeding in South Dakota or any other jurisdiction that issues educator licenses, and has not been the subject of such an action in the prior three years.

d. Brown has not committed any violations of the code of ethics not already referenced in Exhibit A.

e. Brown meets all other requirements for certification in regard to her application for a certificate. Nothing in this paragraph is intended to abrogate or avoid any other applicable certification requirement.

8. If the conditions in paragraph 7 are not met, then the Department may consider the Stipulated Findings and Conclusions in Exhibit A and all other relevant facts in determining whether to deny the application.

9. If the conditions in paragraph 7 are met and Brown is issued a certificate, she shall abide by all of the following conditions to be eligible to maintain and renew her certificate:

a. She will not commit any violations of the code of ethics not already referenced in Exhibit A and will abide by the applicable Code of Ethics.

b. She will provide notice to the Department within 14 days of any professional disciplinary action brought against her involving her educator certificate, or proceedings to deny or revoke her educator certification, in any other state or territory in which she has applied for or been issued an educator certificate.

c. She will continue to meet all other requirements for certification. Nothing in this paragraph is intended to abrogate or avoid any other applicable licensing requirement.

10. If Brown violates any of the conditions listed in paragraph 9, then the Department, the Professional Teachers Practices and Standards Commission, or Professional Administrators Practices and Standards Commission may consider the Stipulated Findings and Conclusions in Exhibit A, the final order of the Nebraska State Board of Education in NDE Case No. 19-03 (dated June 7, 2019), and all other relevant facts in determining whether to revoke, suspend, or non-renew the certificate.

11. Any notice or other communication required from Brown pursuant to this agreement shall be in writing and mailed via first class to the following:

Ferne Haddock  
South Dakota Department of Education  
800 Governors Drive  
Pierre, SD 57501

12. Brown fully and forever discharges the State of South Dakota and its officers, agents, employees, from any and all liability whatsoever, including punitive damages, losses, costs, attorney's fees, or expenses of any nature whatsoever, whether joint or several, on all claims, actions, and demands whatsoever that now exist or may hereafter accrue, and including all claims, actions, and demands whatsoever based on matters now unknown, as well as known,

and unanticipated as well as anticipated, in any manner whatsoever, directly or indirectly, resulting or to result of any matter related to the above-captioned action or this Settlement Agreement.

13. Brown agrees that by entering into this Agreement, she has waived all rights to appeal any matter addressed in this Agreement.

14. Each party to this Agreement shall bear their own costs and attorney's fees.

15. The terms of this Agreement may be modified only by a subsequent written agreement signed by the parties.

16. Each undersigned representative of the parties to this Agreement certifies that he or she is fully authorized to enter into this Agreement and each of the terms and conditions hereof, and to execute and legally bind such party to it.

17. This Agreement shall constitute the entire agreement between the parties. This Agreement supersedes any other written or oral agreement between the parties. If any term or provision of this Agreement is determined to be illegal, unenforceable, or invalid in whole or in part for any reason, such provision shall be stricken from this Agreement, and such provision shall not affect the legality, enforceability, or validity of the remainder of this Agreement.

18. Under the requirements of SDCL ch. 1-27 and 1-26-2, this Settlement Agreement and attached exhibit are public documents.

[SIGNATURES ON FOLLOWING PAGE]

Dated this 29<sup>th</sup> day of January, 2020.

Maddison Brown  
Maddison M. Brown

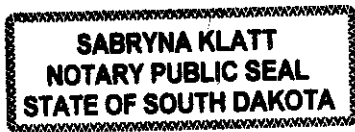
State of South Dakota  
County of Minnehaha

On this 29<sup>th</sup> day of January, 2020, before me, the undersigned officer, personally appeared Maddison M. Brown, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof, I set my hand and official seal.

Sabryna Klatt  
Notary Public-South Dakota

My commission expires:  
March 24, 2022  
(Seal)



Dated this 19<sup>th</sup> day of February, 2020.

Benjamin F. Jones  
Dr. Benjamin F. Jones  
Secretary  
South Dakota Department of Education

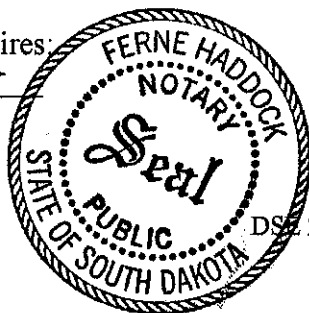
State of South Dakota  
County of Hughes

On this 19<sup>th</sup> day of February, 2020, before me, the undersigned officer, personally appeared Dr. Benjamin F. Jones, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

In witness whereof, I set my hand and official seal.

Ferne Haddock  
Notary Public-South Dakota

My commission expires:  
1/16/2025  
(Seal)



## **EXHIBIT A—STIPULATED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. During the 2016-2017 and 2017-2018 school years, Brown was employed by Pender Public Schools in the state of Nebraska, as a first-grade teacher and high school dance team coach.
2. During the period of her employment at Pender Public Schools, Brown held a public Nebraska Initial teaching certificate, #2016005915, expiring on August 31, 2021.
3. Brown resigned from Pender Public Schools on or about May 14, 2018.
4. On or about June 12, 2018, Brown applied for an initial teaching certificate with the Department.
5. On or about August 17, 2018, Brown was issued South Dakota Educator Certificate #81877.
6. On or about November 19, 2018, the Nebraska Commissioner of Education filed a petition against Brown in front of the Nebraska Professional Practices Commission, alleging that Brown violated provisions of the Nebraska Administrative Code relating to standards for teacher conduct.
7. Brown failed to file an answer to the November 19, 2018, petition with the Nebraska Professional Practices Commission.
8. On or about February 13, 2019, Brown applied for a provisional renewal South Dakota teaching certificate from the Department.
9. Brown answered “no” to Question 6 of the Applicant Conduct Review Statement portion of the renewal 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 education services?”

10. Brown 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?”

11. Brown answered “no” to Question 9 of the Applicant Conduct Review Statement portion of the application, 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?”

12. On or about March 6, 2019, the clerk of the Nebraska Professional Practices Commission filed a Notice of Hearing, which was sent to Brown.

13. Due to the “yes” answer on Brown’s application, the Department conducted an investigation into Brown’s application. A phone interview was held on March 26, 2019. In response to questions during that interview, Brown disclosed that there was a pending action against her teaching certificate in Nebraska and that a hearing was scheduled where she would appear in front the Nebraska teacher licensure authorities.

14. On or about March 30, 2019, a hearing was held in front of the Nebraska Professional Practices Commission with Brown appearing on her own behalf.

15. On or about April 15, 2019, the Nebraska Professional Practices Commission issued written findings of fact and conclusions of law finding that Brown had violated numerous sections of the Nebraska Administrative Code pertaining to standards for teacher conduct and recommended that the Nebraska State Board of Education revoke Brown’s certificate for a period of one year.

16. On or about June 7, 2019, a hearing was held in front of the Nebraska State Board of Education. Brown appeared on her own behalf.

17. On or about June 7, 2019, the Nebraska State Board of Education entered findings of fact concluding that Brown had violated numerous sections of the Nebraska Administrative Code pertaining to standards for teacher conduct. The Nebraska State Board of Education entered a decision revoking Brown's Nebraska teaching certificate for a period of three years, and served the written decision on Brown on or about June 10, 2019.

18. The Nebraska State Board of Education found that Brown had violated the following provisions of the Nebraska Administrative Code:

a. Section 004.02E, which states: "the educator . . . [s]hall not exploit professional relationships with students, colleagues, parents, school patrons, or school board members for personal gain or private advantage[.]"

b. Section 004.03C, which states: "the educator . . . [s]hall make reasonable efforts to protect the student from conditions which interfere with the learning process or are harmful to health and safety[.]"

c. Section 005.02B2, which states: "each teacher . . . [s]hall: Adhere to and enforce written and dated administrative policy of the school which has been communicated to the teacher[.]"

d. Section 005.06D, which states: "the educator shall: Develop and maintain positive standards of conduct."

19. In South Dakota, grounds for denial or non-renewal of a teacher's certificate are provided in SDCL Chapter 13-42. The Secretary 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.

20. 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.

21. The code of ethics for teachers requires a teacher to “[m]ake a reasonable effort to maintain discipline and order in the classroom and the school system to protect students from conditions harmful to learning, physical and emotional well-being, health, and safety[.]” ARSD 24:08:03:01(4).

22. The code of ethics for teachers requires a teacher to “[m]aintain professional relationships with students without exploitation of a students for personal gain or advantage[.]” ARSD 24:08:03:01(7).

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

24. The actions underlying the findings entered by the Nebraska State Board of Education constitute a failure to make a reasonable effort to maintain discipline and order in the classroom and the school system to protect students from conditions harmful to learning, physical and emotional well-being, health, and safety and violate ARSD 24:08:03:01(4).

25. The actions underlying the findings entered by the Nebraska State Board of Education constitute a failure to maintain professional relationships with students without exploitation of a students for personal gain or advantage and violate ARSD 24:08:03:01(7).

26. The actions underlying the findings entered by the Nebraska State Board of Education constitute moral turpitude and violate ARSD 24:08:03:02(8).

27. Brown's failure to disclose the Nebraska licensure action, which was initiated in November 2018, on her February 2019 South Dakota educator certification renewal application, referenced in paragraph 8, constitutes false or misleading statements and violates ARSD 24:08:03:02(8).

28. During the phone interview with the Department on March 26, 2019, in response to questions, Brown disclosed a hearing in front of the Nebraska Professional Practices Commission would occur on a future date. Brown failed to disclose all of the allegations to be considered by the Nebraska Professional Practices Commission. Brown's failure to accurately and thoroughly provide information regarding the nature of the Nebraska teacher licensure action constitutes false or misleading statements and violates ARSD 24:08:03:02(8).

29. Pursuant to ARSD 24:18:03:02, the Final Order of the Nebraska State Board of Education revoking Brown's teaching certificate for a period of three years is prima facie evidence that Brown does not meet the requirements for certification in the state of South Dakota.