

STATE OF SOUTH DAKOTA )  
 )  
COUNTY OF HUGHES ) SOUTH DAKOTA DEPT. OF EDUCATION

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In the Matter of the Revocation of )  
the Teaching Certificate of )  
 )  
SHEA LAUREN LINDSEY ) DSE 2021-01  
 )  
 ) ORDER REVOKING  
 ) SOUTH DAKOTA  
 ) TEACHING CERTIFICATE

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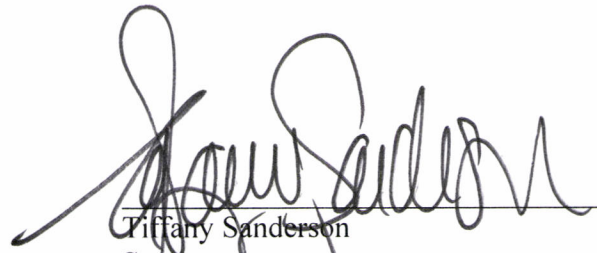
The Secretary having received a Complaint from the South Dakota Professional Teachers Practices and Standards Commission (PTPSC) on January 7, 2021, and pursuant to SDCL §§ 13-43-28.1 and 13-42-15, having reviewed the complaint, the Findings of Fact and Conclusions of Law, and exhibits from the hearing before the commission on December 8, 2020, the Secretary hereby finds the following:

Pursuant to the authority granted to the Secretary by SDCL §§ 13-42-4 and 13-42-9, and after review of the record herein, the Secretary issues the following **ORDER**:

1. The Secretary affirms and adopts the Findings of Fact and Conclusions of Law of the PTPSC and further incorporates them into this Order;
2. Shea Lauren Lindsey's teaching certificate is hereby immediately and permanently **REVOKED**;
3. This Order and attached exhibits are a public record pursuant to SDCL § 13-42-17.1;
4. Notification of this revocation is to be placed on the NASDTEC registry and placed in applicant's permanent certification file within the South Dakota Department of Education; and,
5. 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.

This is the final decision of the secretary and may be appealed to circuit court as provided in SDCL § 13-42-16.

Dated this 20 day of January, 2021.

A handwritten signature in black ink, appearing to read "Tiffany Sanderson", written over a horizontal line.

Tiffany Sanderson  
Secretary  
Department of Education  
800 Governors Drive  
Pierre, SD 57501

STATE OF SOUTH DAKOTA	)	PROFESSIONAL TEACHERS
	)	PRACTICES AND STANDARDS
COUNTY OF HUGHES	)	COMMISSION
<hr/>		
PENNINGTON COUNTY,	)	
	)	
Complainant,	)	<b>AMENDED FINDINGS OF</b>
	)	<b>FACT, CONCLUSIONS OF</b>
	)	<b>LAW, AND ORDER</b>
	)	
SHEA LAUREN LINDSEY,	)	
	)	
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. A hearing was held on December 8, 2020 in Library Commons, First Floor, MacKay Building, 800 Governors Drive, Pierre, South Dakota.

The following members of the South Dakota Professional Teachers Practices and Standards Commission (Commission) were present at the hearing: Valena Baker, David Christian, Crystal McMachen, Ann Noyes, Joy Robbins, and Kaye Wickard. Chairwoman Paula McMahan was present via zoom. Caroline A. Srstka, counsel for the Commission, and Ferne Haddock, executive secretary of the Commission, were also present. The Complainant was present via zoom along with attorney Tracey Decker-Dollison. The Respondent was present via zoom along with attorney Paul Andrews.

Based upon the evidence presented at the hearing and documents contained in the official file, the Commission makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. On or about July 13, 2018, Respondent Shea Lauren Lindsey (Lindsey) was issued South Dakota teaching certificate number 81668. This certificate was valid until July 1, 2019.
2. On or about February 26, 2020, Lara R. Roetzel, Chief Deputy State's Attorney for Pennington County filed a complaint against Lindsey with the Commission.
3. The complaint alleged that Lindsey violated the following sections of the Code of Professional Ethics for teachers:
  - a. ARSD 24:08:03:01(4), which states that in fulfilling their obligations to students, educators shall "[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[.]"
  - b. ARSD 24:08:03:01(5), which states that in fulfilling their obligations to students, educators shall "[c]onduct professional business in such a way that they do not expose the students to unnecessary intimidation, embarrassment, or disparagement[.]"
  - c. ARSD 24:08:03:01(6), which states that in fulfilling their obligations to students, educators shall "[a]ccord just and equitable treatment to every student, regardless of race, color, creed, sex, sexual preference, age, marital status, handicapping condition, national origin, or ethnic background[.]"
  - d. ARSD 24:08:03:01(9), which states that in fulfilling their obligations to students, educators shall "[m]aintain professional relationships with students

in a manner which is free of vindictiveness, recrimination, and harassment[.]”

4. The complaint was served on Lindsey on or about February 28, 2020.
5. A due and proper Second Amended Notice of Hearing was served on the parties on setting this matter for hearing for December 8, 2020.
6. A hearing on this matter was held on December 8, 2020.
7. During the 2018/2019 school year, Lindsey was a teacher for the East Middle School, Rapid City, Pennington County, South Dakota.
8. On May 13, 2019, while Lindsey was teaching for East Middle School, an incident occurred in the gymnasium between Lindsey and student.
9. Student is a Level 4 Student because of his disabilities which include a cognitive disability such that an IQ determination is not obtainable. He has an orthopedic impairment which keeps him from conducting fine motor skills and can only complete gross motor skills with someone’s assistance. Student requires hand over hand placement when using his walker with verbal and physical prompting to move his legs. Student is dependent on others for all daily living activities including hygiene and bathroom needs. Student is non-verbal and can only make utterances. Student has been diagnosed with Angelman’s Syndrome, which is a genetic disorder resulting in the above-mentioned developmental delays.
10. During the time in question, Lindsey was the primary teacher and case manager for Student.
11. That on May 13, 2019, the East Middle School camera system footage showed Lindsey holding a large green exercise ball while pushing student in his wheelchair

alongside of her.

12. At one point Lindsey stops walking and turns Student's wheelchair so Student is facing Lindsey.
13. The distance between Lindsey and Student is approximately 5 to 10 feet.
14. Lindsey is seen throwing the ball at Student, striking Student directly in the head multiple times.
15. Due to Student's disabilities, Student is unable to catch the exercise ball.
16. The impact of the fall forces Student's head back in a whiplash type motion and causes his wheelchair to scoot backwards.
17. After striking Student in the head, chest, and shoulders multiple times, Lindsey stopped throwing the exercise ball at Student.
18. After a short period of time, Lindsey resumes striking Student in the head with the exercise ball multiple times.
19. The night of the incident, Student's mother noticed Student acting very quiet and standoffish, and had dark circles under his eyes. Student's Angelman's Syndrome makes Student normally happy.
20. Student is non-verbal, therefore unable to testify at the hearing. Student's mother testified.
21. A fellow teacher reported Lindsey's actions to law enforcement on May 14, 2019.
22. Chief Deputy State's Attorney Lara Roetzel testified at the hearing.
23. A Pennington County Grand Jury indicted Lindsey on one count of Child Abuse, a felony, on July 17, 2019.

24. On June 25, 2020, Lindsey pled guilty to Simple Assault, a misdemeanor.
25. On October 1, 2020, the Honorable Wipf Pfeifle sentenced Lindsey on the charge of Simple Assault. Lindsey received a 180 day jail sentence, which was all suspended. Lindsey was placed on probation for one year with the following conditions: pay a \$1,000 fine and \$86.50 in court costs; perform 100 hours of community service; participate in a psychiatric evaluation and follow any recommendations; write an apology letter; and have no contact with any child under the age of eighteen, for one year.
26. Lindsey's certification to teach in the State of South Dakota lapsed on July 1, 2019, and agreed not to apply for renewal.
27. Lindsey has violated the following subsections of the Code of Ethics for Teachers found in ARSD 24:08:03:01 (obligations to students):
- (4) 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.
  - (5) Conduct professional business in such a way that they do not expose the students to unnecessary intimidation, embarrassment, or disparagement.
  - (6) Accord just and equitable treatment to every student, regardless of race, color, creed, sex, sexual preference, age, marital status, handicapping condition, national origin, or ethnic background.
  - (9) Maintain professional relationships with students in a manner which is free of vindictiveness, recrimination, and harassment.

28. 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

29. 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.

30. 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.

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

(4) 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.

(5) Conduct professional business in such a way that they do not expose the students to unnecessary intimidation, embarrassment, or disparagement.

(6) Accord just and equitable treatment to every student, regardless of race, color, creed, sex, sexual preference, age, marital status, handicapping condition, national origin, or ethnic background.

(9) Maintain professional relationships with students in a manner which is free



of vindictiveness, recrimination, and harassment.

32. Clear and convincing evidence exists that Lindsey violated ARSD 24:08:03:01(4), (5), (6), and (9).

33. 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 Lindsey as provided for in SDCL 13-43-28.1. 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 (NASDTEC) 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 6<sup>th</sup> day of January, 2021.

PROFESSIONAL TEACHERS PRACTICES  
AND STANDARDS COMMISSION

By: Mrs. Paula McMahan  
Mrs. Paula McMahan, Chair

STATE OF SOUTH DAKOTA )  
 )  
COUNTY OF HUGHES ) SOUTH DAKOTA DEPT. OF EDUCATION

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In the Matter of the Revocation of )  
the Teaching Certificate of )  
 )  
SHEA LAUREN LINDSEY ) DSE 2021-01  
 )  
 ) NOTICE OF ENTRY OF ORDER  
 )

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TO: SHEA LAUREN LINDSEY via

Attorney for Respondent  
Paul Andrews  
14 St. Joseph Street Ste 200D  
Rapid City SD 57701  
[paul@andrewslawofficellc.com](mailto:paul@andrewslawofficellc.com)

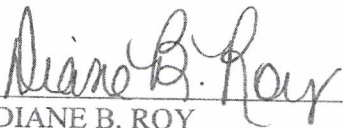
You are hereby notified that on the 20th day of January, 2021, Tiffany Sanderson, Secretary for the South Dakota Department of Education, entered an **Order Revoking South Dakota Teaching Certificate** with attached Amended Findings of Fact and Conclusions of Law in the about-referenced case. Copies of these documents are being served upon you with this Notice.

A copy of the Notice of Entry of Order will be placed on the NASDTEC registry and will also be placed in your permanent certification file within the South Dakota Department of Education.

The Order and incorporated Findings of Fact and Conclusions of Law are a public record pursuant to SDCL 13-42-17.1.

This constitutes final agency action.

Dated this the 21<sup>st</sup> day of January, 2021.

  
DIANE B. ROY  
General Counsel  
South Dakota Department of Education  
800 Governors Drive  
Pierre, SD 57501

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

In the Matter of the Revocation of )  
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SHEA LAUREN LINDSEY )

DSE 2021-01

CERTIFICATE OF SERVICE

I HAVE THIS DAY served by USPS Certified Mail and by electronic mail the above-named **Shea Lauren Lindsey** a copy of the **Notice of Entry of Order Revoking South Dakota Teaching Certificate** in the above named and styled matter.

Attorney for Respondent

Paul Andrews  
14 St. Joseph Street Ste 200D  
Rapid City SD 57701  
[paul@andrewslawofficellc.com](mailto:paul@andrewslawofficellc.com)

Hand delivered; Ex Secretary PTPSC  
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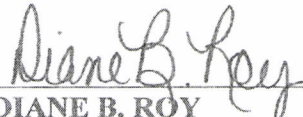
USPS Mail Attorney PTPSC  
Caroline Srstka, Assistant Attorney  
2000 E 52<sup>nd</sup> street North  
Sioux Falls SD 57104  
Pierre

Email address of record and USPS Mailing address of record:

Complainant before PTPSC  
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130 Kansas City St, #300  
Rapid City, SD 57701  
[Tracey.dollisondecker@pennco.org](mailto:Tracey.dollisondecker@pennco.org)

School District where last employed  
Rapid City School District 51-4  
625 9<sup>th</sup> Street Ste 208  
Rapid City SD 57701-2724

Dated this the 21<sup>st</sup> day of January, 2021.

  
DIANE B. ROY  
General Counsel  
South Dakota Department of Education  
800 Governors Drive  
Pierre, SD 57501