

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

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In re: Revocation of the ) DSE 2022-03  
Teaching Certificate of )  
**JALEN BOYD** ) **ORDER REVOKING**  
 ) **TEACHING CERTIFICATE**

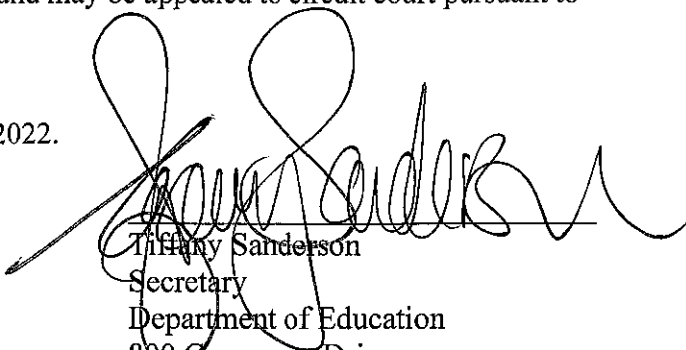
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Pursuant to the authority granted to the Secretary of the South Dakota Department of Education by SDCL §§ 13-43-28.1, 13-42-9, and 13-42-15, following receipt of a Complaint seeking revocation of a certificate from the South Dakota Professional Teachers Practices and Standards Commission, and after review of the entire file herein, the Secretary enters the following ORDER:

1. The Secretary affirms and adopts the Findings of Fact and Conclusions of Law of the Commission. These Findings and Conclusions, attached as Exhibit A, are hereby incorporated into this Order by this reference as if set forth in full.
2. Based upon the foregoing Findings of Fact and Conclusions of Law, the teaching certificate of Jalen Boyd, Certificate #83085, issued on October 28, 2019, is hereby **immediately and permanently revoked**.
3. Notification of this revocation will be placed on the NASDTEC registry and be placed in Boyd's permanent certification file within the South Dakota Department of Education.
4. 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 and may be appealed to circuit court pursuant to SDCL § 13-42-16.

Dated this the 4 of February, 2022.

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

STATE OF SOUTH DAKOTA )  
 ) SS  
COUNTY OF HUGHES )

SOUTH DAKOTA PROFESSIONAL  
TEACHERS PRACTICES AND  
STANDARDS COMMISSION

BRETT ARENZ, on behalf )  
Of the Sioux Falls School District )  
Sioux Falls, South Dakota )

Case No. PTPSC 2021-07

Complainant, )

vs. )

JALEN BOYD, )

Respondent. )

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER OF REFERRAL

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 6, 2021, in the Library Commons, 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: David Christian, Ann Noyes, Joy Robbins, Kay Wickard, Crystal McMachen, and Paula McMahan. Paul Bachand, counsel for the Commission, Jenna Schweiss, attorney for Bachand & Hruska, P.C., and Ferne Haddock, executive secretary of the Commission, were also present. The Complainant was personally present along with attorney Justin Bell. The Respondent was personally present on behalf of himself.

Based upon the Respondent's admission to the allegations contained in the complaint, 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 October 28, 2019, Respondent Jalen Boyd (“Boyd”) was issued South Dakota teaching certificate number 83085. The certificate is valid until July 1, 2024.
2. On or about September 17, 2021, Brett Arenz, In-House Counsel and Civil Rights Officer with the Sioux Falls School District (District) filed a complaint against Boyd with the Commission.
3. The complaint alleged that Boyd violated the following sections of the Code of Professional Ethics for teachers:
  - a. ARSD 24:08:03:01(9) - In fulfilling their obligations to the students, educators shall act as follows: (9) Maintain professional relationships with students in a manner which is free of vindictiveness, recrimination, and harassment;
  - b. ARSD 24:08:03:01(10) - In fulfilling their obligations to the students, educators shall act as follows: (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;
  - c. ARSD 24:08:03:02(8) - 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.

4. Boyd filed a response to the complaint where he stated: "To whom it may concern, I have already given my statement to Brett Arenz and have no further statements. However, I have no intention of pursuing a career in teaching any longer. If you feel the need to get rid of my license, then that is fine since I have no desire to continue in the field of education. If you choose not to it will only sit until expiration. Thank You, Jalen Boyd."
5. The Department received this response on or about October 18, 2021.
6. A due and proper Notice of Hearing was served on the parties setting this hearing for December 6, 2021.
7. A private hearing on this matter was held on December 6, 2021.
8. At the commencement of the hearing, after having been advised of the allegation in the complaint, Boyd admitted to the allegations in the complaint.
9. Boyd was formerly a teacher with the District and he taught 8<sup>th</sup> grade math.
10. Boyd was employed in such capacity for less than one school year.
11. Boyd was a full-time teacher with the District and had his own classroom.
12. On April 13, 2021, the District received verbal reports from a female student ("Student") alleging Boyd made inappropriate, gender-motivated comments to Student and made other students feel uncomfortable in his classroom as well.
13. Specifically, Student reported that Boyd participated in, encouraged, and led students in an ongoing game of "M-F-K."
14. Urban dictionary defines MFK as: "The socially-acceptable acronym for a game teenagers play called Marry-Fuck-Kill. When given a choice of three names, the players must decide who they would prefer to marry, fuck, or kill."

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15. This game took place on Boyd's desk at the front of the class utilizing an Expo marker which could then be erased.
  16. This game took place with the real names of students and staff within the District.
  17. An investigation was conducted on April 13, 2021, by Counsel and Civil Rights Officer, Brett Arenz, and Whittier Middle School Principal Erika Paladino-Hazlett ("Investigators").
  18. In interviewing Student, Investigators obtained the names of other students who had information related to the conduct in Boyd's class.
  19. A second female student was then interviewed that same day, April 13, 2021. Who confirmed the reports of the "M-F-K" game.
  20. Information from the initial Student also included the following reports:
    - a. Boyd stated he "would smash (teacher)" and made similar statements about other teachers and substitutes – even though Student did report that she believed these to be a joke.
    - b. Comments made by Boyd relating to the size of students' breast, including asking a female student the size of Student breasts and telling another student that "having small ones is OK."
    - c. Use of a ruler and innuendo by Boyd to communicate with students the size of his penis.
    - d. A game of rating student and staff annoyingness, attractiveness, and the desire to have sex with them – Student also indicated that Boyd ranked Student attractiveness as a 9.5, and because he is a math teacher, rounded it up to a 10.

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- e. Boyd would overshare information about his love life, including a comment related to a desire for him and his fiancé to include a third party – Student also reported that Boyd allegedly liked Latinas.
  - f. Boyd whispered, “If you want to know what good dick feels like, let me know,” to Student – Student also reported that Boyd repeated this when asked, “Did you really say what I think you said?” The next day Boyd persisted in asking that question of Student and said, “is it a yes or no?”
21. Student would sometimes skip school in order to avoid Boyd’s class, and that Boyd made Student feel bad about themselves.
  22. Investigators shared with Student relevant information from the policies of the District and provided Student with a Complaint Investigation form to complete.
  23. Investigators then directly made contact with Student’s parent as part of their requirements and per Student’s request.
  24. Investigators also met briefly with Boyd on April 13, 2021, to inform him of the complaint and that he would be put on administrative leave pending the outcome of the investigation.
  25. When initially confronted, Boyd denied all allegations and indicated that he could not think of any reasons for concerns in his classroom.
  26. Additional interviews were conducted in the following days, and a total of four female students ultimately confirmed the reports of the alleged conduct in Boyd’s classroom.
  27. Investigators met with Boyd for a second time on April 16, 2021, where Boyd brought his mother to serve as personal representative on his behalf.

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28. During this second meeting, Boyd's story changed – and he admitted to the allegations regarding the “M-F-K” game.
29. Boyd engaged in unwelcome verbal harassment and inappropriate conduct in the classroom.
30. The evidence presented to the commission demonstrated that Boyd failed to maintain professional relationship with students in a manner which is free from vindictiveness, recrimination, and harassment.
31. The evidence presented to the Commission also demonstrates that Boyd engaged in illicit sexual communications with students.
32. The evidence presented to the Commission further demonstrated that Boyd failed to exemplify high moral standards by engaging in deceit, moral turpitude, gross immorality, and the use of misleading or false statements.
33. Boyd admitted to each of the three code violations before the Commission on December 6, 2021.
34. 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**

35. 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. 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.

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

- a. (9) Maintain professional relationships with students in a manner which is free of vindictiveness, recrimination, and harassment.
- b. (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.

38. The South Dakota Code of Professional Ethics for Teachers as provided at ARSD 24:08:03:02, states that in fulfilling their obligations to the public, educators shall act as follows:

- a. (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

39. Clear and convincing evidence exists that Boyd violated ARSD 24:08:03:01(9) & (10), and ARSD 24:08:03:02(8).

40. 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 Boyd 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 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 remains with the Department's permanent certification file. 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 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 12<sup>th</sup> day of January 2022.

PROFESSIONAL TEACHERS PRACTICES  
AND STANDARDS COMMISSION

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