

STATE OF SOUTH DAKOTA)	DIVISION OF THE SECRETARY
)	
COUNTY OF HUGHES)	SOUTH DAKOTA DEP. OF ED.
)	
In re: Revocation of the)	DSE 2022-20
Teaching Certificate of)	ORDER REVOKING
TODD A. PALMER)	TEACHING CERTIFICATE

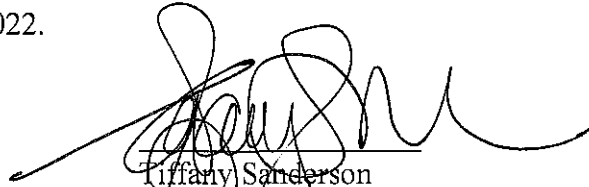
Pursuant to the authority granted to the Secretary of the South Dakota Department of Education by SDCL §§ 13-43-28.1, 13-42-9, and 13-42-15, following the receipt of a Complaint seeking revocation of a certificate from the South Dakota Professional Teachers Practices and Standards Commission, and after 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 Professional Teachers Practices and Standards Commission (“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. The Commission found clear and convincing evidence Palmer violated two provisions of the South Dakota Code of Professional Ethics for Teachers—ARSD 24:08:03:01(4) and ARSD 24:08:03:02(8).
3. Based upon the foregoing Findings of Fact and Conclusions of Law, the teaching certificate of Todd A. Palmer, Certificate #50292, issued on February 4, 2021, is hereby **immediately and permanently revoked.**
4. The Secretary finds the aforementioned violate:
 - a. ARSD 24:08:03:02(8) because by recklessly creating a sexually-explicit Twitter account connected to an official school Twitter account and permitting students to view sexually-explicit materials, Palmer failed to “[e]xemplify high moral standards by not engaging in or becoming a party to . . . moral turpitude, gross immorality, [or] sexual contact with students.”; and
 - b. ARSD 24:08:03:01(4) by doing the same, because Palmer failed “to protect the students from conditions harmful to learning, physical and emotional well-being, health and safety.”
5. Notification of this revocation will be placed on the NASDTEC registry and be placed in Palmer’s permanent certification file within the South Dakota Department of Education.
6. The Order and incorporated Findings of Fact and Conclusions of Law are 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 12th of December, 2022.

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)
)
COUNTY OF HUGHES)

**SOUTH DAKOTA PROFESSIONAL
TEACHERS PRACTICES AND
STANDARDS COMMISSION**

KATHRYN BLAHA, Director)
Accreditation and Certification)
S.D. Dept. of Education)

Case No. PTPSC 2022-06

Complainants,)

vs.)

**FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER**

TODD A. PALMER,)

Respondent.)

This matter came on for a 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 October 26, 2022, in the Library Commons, MacKay Building, 800 Governors Drive, Pierre, South Dakota pursuant to a due and proper Notice of Hearing.

The following members of the South Dakota Professional Teachers Practices and Standards Commission (Commission) were present at the hearing: Nichole Bowman, David Christian, Jean Gunderson, Crystal McMachen, Joy Robbins and Kay Wickard. Paul Bachand, counsel for the Commission and Ferne Haddock, executive secretary of the Commission, were also present. Kathryn Blaha, Director, Accreditation and Certification, S.D. Dept. of Education was present along with attorney Amanda LaCroix. The Respondent failed to appear at the time set for the hearing. Based upon the Respondent's failure to appeal, the uncontested allegations contained in the complaint, and the evidence presented at the hearing, the Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On or about February 4, 2021, Respondent Todd A. Palmer (Palmer) was issued a South

Dakota teaching certificate number 50292. The certificate is valid until July 1, 2026

2. On or about July 12, 2022, Kathryn Blaha, Director, Accreditation and Certification, S.D. Dept. of Education, filed a complaint against Palmer with the Commission.
3. The complaint alleged that Palmer violated the following sections of the Code of Professional Ethics for teachers:
 - a. 24:08:03:01, which provides that in fulfilling their obligations to students, educators shall act as follows:
 - i. (4) Make a reasonable effort to maintain discipline and order in the classroom and the school system to protect the students from conditions harmful to learning, physical and emotional well-being, health and safety;
 - b. 24:08:03:02, which provides that in fulfilling their obligations to the public, educators shall act as follows:
 - i. (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. The complaint was served on Palmer on or about July 27, 2022.
5. On or about September 13, 2022, a Notice of Hearing was served upon the parties setting the hearing for this matter on October 26, 2022.
6. Palmer failed to appear at the hearing.
7. On or about October 20, 2022, the South Dakota Department of Education received a correspondence from Palmer indicating "I have no intention of fighting the Department of Education on taking my South Dakota License away."

8. Palmer's failure to appear at the hearing acts as a default regarding the allegations contained in the complaint.
9. On or about December 28, 2021, Meade High School Principal Wilson received a phone call from a parent concerning a Twitter account, "DakCouple2," that was sexual in nature pertaining to a staff member, Palmer.
10. The reporting parent and her son (a student) had received a notification from Twitter regarding a new account that was created. The account was connected to another Twitter account they followed, being the Meade School District's athletics account, "Scooperstate."
11. Palmer managed the Meade School District's athletics Twitter account.
12. Both the school account and "DakCouple2" account were connected to Palmer's personal phone number.
13. When Palmer created the new account, followers of "Scooperstate" were notified.
14. The "DakCouple2" account contained numerous pornographic images of Palmer and his spouse.
15. The "DakCouple2" account contains a posting from "SoDakFunCouple@DakCouple2" stating "Very sexual couple exploring the twitterrrvrse by sharing our pics and chatting with like minded couples and bi curious chicks and dicks".
16. A meeting was held on or about December 29, 2021, with Principal Wilson, Superintendent Kirkegaard, and Palmer regarding the Twitter account.
17. Prior to the meeting, the "DakCouple2" account was removed.
18. During the meeting, Palmer decided to resign effective immediately. Superintendent Kirkegaard received Palmer's resignation shortly afterwards.
19. Palmer's actions that led to the "DakCouple2" account being transmitted to "Scooperstate" followers was reckless.

20. As the manager of the "Scooperstate" account Palmer would have been cognizant as to how his "DakCouple2" account would get linked to followers of "Scooperstate".
21. Any Sturgis Brown Highschool student who followed "Scooperstate" would have received notification of the "DakCouple2" account.
22. It is unknown how many Sturgis Brown students would have unwittingly accessed the "DakCouple2" account.
23. The actions by Palmer demonstrates that he failed to make reasonable effort to maintain discipline and order in the classroom and the school system to protect the students from conditions harmful to learning, physical and emotional well-being, health and safety.
24. Any Finding of Fact improperly denoted as a Conclusion of Law is hereby incorporated as a Finding of Fact.

CONCLUSIONS OF LAW

1. 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.
2. 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.
3. The South Dakota Code of Professional Ethics for Teachers, as provided at ARSD 24:08:03:01, states 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 the students from conditions harmful to learning, physical and emotional well-being, health and safety;

4. Clear and convincing evidence exists that Palmer violated ARSD 24:08:03:01(4).
5. The South Dakota Code of Professional Ethics for Teachers, as provided at ARSD 24:08:03:02, states that in that 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.

6. Clear and convincing evidence exists that Palmer violated ARSD 24:08:03:02(8).
7. 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 Palmer 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

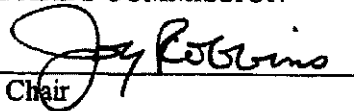
ORDERED that a copy of the Findings of Fact, Conclusions of Law, and Order be sent to the parties herein. It is further

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 2nd day of December 2022.

PROFESSIONAL TEACHERS PRACTICES
AND STANDARDS COMMISSION

By: _____
Joy Robbins, Chair

A handwritten signature in cursive script, appearing to read "Joy Robbins", is written over a horizontal line. The signature is positioned to the right of the printed name "Joy Robbins, Chair".