

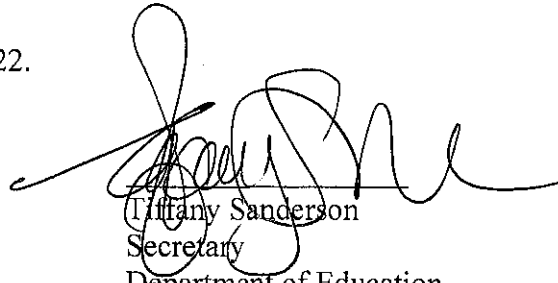
STATE OF SOUTH DAKOTA)	DIVISION OF THE SECRETARY
)	
COUNTY OF HUGHES)	SOUTH DAKOTA DEP. OF ED.
)	
In re: Revocation of the)	DSE 2022-21
Teaching Certificate of)	ORDER SUSPENDING
MICHAEL J. KORANDA)	TEACHING CERTIFICATE

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 suspension 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:

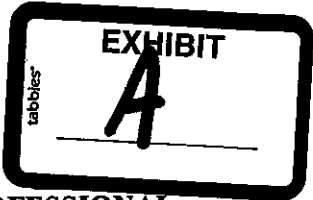
1. The Secretary affirms and adopts the Findings of Fact and Conclusions of Law of the Professional Teachers Practices and Standards Commission (“Commission”). These Findings and Conclusions, attached as Exhibit A, are hereby incorporated into this Order by this reference as if set forth in full.
2. The Commission found clear and convincing evidence Koranda violated four provisions of the South Dakota Code of Professional Ethics for Teachers—ARSD 24:08:03:01(4), ARSD 24:08:03:02(7) and (8), and ARSD 24:08:03:03(13).
3. Based upon the foregoing Findings of Fact and Conclusions of Law, the teaching certificate of Michael J. Koranda, Certificate #57756, issued on October 15, 2021, is hereby **immediately suspended for a period of five (5) years**.
4. The Secretary finds the aforementioned violate:
 - a. ARSD 24:08:03:01(4) because Koranda’s reckless action endangered the safety of the public; and
 - b. ARSD 24:08:03:02(7) and (8) because Koranda failed to “[e]ngage in no act that results in a conviction” and likewise failed to “[e]xemplify high moral standards” by “becoming a party to such activities as . . .moral turpitude, gross immorality, . . .[and] illegal drugs”; and
 - c. ARSD 24:08:03:03(13) because Koranda failed to “[p]erform [his] duties in accordance with” South Dakota law.
5. Notification of this revocation with be placed on the NASDTEC registry and be placed in Koranda’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**

KATHY RIEDY, Administrator)
Accreditation and Certification)
S.D. Dept. of Education)

Case No. PTPSC 2022-07

Complainants,)

vs.)

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

MICHAEL J. KORANDA)

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. Kathy Riedy, Administrator, Accreditation and Certification, S.D. Dept. of Education was present along with attorney Amanda LaCroix. The Respondent Michael J. Koranda appeared at the time set for the hearing. Based upon the Respondent’s admissions along with 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 October 15, 2021, Respondent Michael J. Koranda (“Koranda”) was issued a temporary South Dakota teaching certificate number 57756. The certificate was valid

until July 1, 2022.

2. On or about July 27, 2022, Kathy Riedy, Administrator, Accreditation and Certification, S.D. Dept. of Education, filed a complaint against Koranda with the Commission.
3. The complaint alleged that Koranda 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 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 in fulfilling their obligations to the public, educators shall act as follows:
 - i. (7) Engage in no act that results in a conviction.
 - ii. (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.
 - c. 24:08:03:03 in fulfilling their obligations to the profession, educators shall act as follows:
 - i. (13) Perform duties in accordance with local, state, and federal rules and laws.
4. The complaint was served on Koranda on or about August 2, 2022.
5. On or about September 13, 2022, a Notice of Hearing was served upon the parties setting the hearing in this matter for October 26, 2022.

6. Koranda appeared at the hearing.
7. After being advised of the allegations in the complaint, Koranda admitted that his conduct, but for the allegation that he had utilized marijuana or methamphetamine in the State of South Dakota after he returned from Colorado, violated ARSD 24:08:03:02(7), (8) and ARSD 24:08:03:03(13). Koranda denied that he violated ARS 24:08:03:01(4).
8. On or about December 26, 2021, Koranda traveled to Denver for Christmas break.
9. While in Colorado, Koranda smoked marijuana and consumed marijuana edibles.
10. The marijuana and marijuana edibles were provided by friends and acquaintances, and Koranda used marijuana and marijuana edibles at various gatherings in Colorado.
11. Koranda brought THC infused butter and marijuana flower back to South Dakota on or about January 2, 2022. Koranda was aware that those items were illegal in South Dakota.
12. At some point between January 3rd and January 4th, 2022, Koranda utilized the THC infused butter to make a pan of brownies. In the process of stirring up the ingredients for the brownies, Koranda licked the spoon he was using to mix the brownie ingredients.
13. Unbeknownst to Koranda, his mother took the pan of brownies to the senior center where at five individuals consumed the THC infused brownies.
14. After consuming the THC infused brownies, the individuals at the senior center began experiencing symptoms which caused them to be transported to the local emergency room.
15. Koranda was eventually interviewed by law enforcement wherein he disclosed that he had brought THC butter and marijuana flower back from Colorado and he admitted to making the brownies that were provided to the senior citizens.
16. Koranda intended to freeze the "brownies" and have a piece at night in order to go to

sleep.

17. On or about January 5, 2022, Koranda was arrested for the felony offense of possession of a controlled substance. Koranda was released on bond and required to wear a drug patch.
18. The criminal complaint filed against Koranda identified the controlled drug or substance as hashish or hash, a Schedule 1 substance.
19. On or about January 31, 2022, the results from the drug patch indicated that Koranda tested positive for THC and Methamphetamine. The drug patch was worn from January 5, 2022, to January 17, 2022.
20. Koranda initially denied to the Commission that he used marijuana after returning to South Dakota, but then admitted his use after acknowledging that while making the THC infused brownies that he licked the mixing spoon.
21. Koranda denied using methamphetamine but acknowledged that unbeknownst to him it could have been in some of the marijuana and marijuana products he used in Colorado.
22. Koranda remained employed with the Bon Homme School District until he was placed on leave on February 2, 2022. Koranda's use of marijuana in South Dakota corresponds with the time he was actively teaching for the Bon Homme School District.
23. On or about February 8, 2022, Koranda pled guilty to the felony offense of Possession of a Controlled Drug or Substance – Schedule 1, in violation of SDCL 22-42-5.
24. On or about March 15, 2022, Koranda was granted a Suspended Imposition of Sentence and placed on probation for a period of two years. Koranda was required to
 - a. Pay a fine in the amount of \$1000.00 plus court costs in the amount of \$116.50.
 - b. Make restitution to the victims in the amount of \$2312.82;
 - c. Serve 60 days in the Bon Homme County Jail;
 - d. Obtain a chemical dependency evaluation;
 - e. Send letters of apology to each victim;

25. The conditions of Koranda's suspended sentence are set forth in the Order Suspending Imposition of Sentence included as an exhibit during the hearing and incorporated herein as if fully set forth.
26. 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 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 Koranda 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:
 - (7) Engage in no act that results in a conviction.
 - (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 Koranda violated ARSD 24:08:03:02(7) and (8).
7. The South Dakota Code of Professional Ethics for Teachers, as provided at ARSD 24:08:03:03, states that in that fulfilling their obligations to the profession, educators shall act as follows:
 - (13) Perform duties in accordance with local, state, and federal rules and laws.
8. Clear and convincing evidence exists that Koranda violated ARSD 24:08:03:03(13).
9. 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 suspend the teaching certificate of Koranda as provided for in SDCL 13-43-28.1 for a period of five years. 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
Joy Robbins, Chair