

STATE OF SOUTH DAKOTA)	DIVISION OF THE SECRETARY
)	
COUNTY OF HUGHES)	SOUTH DAKOTA DEP. OF ED.
)	
In re: Suspension of the)	DSE 2023-25
Teaching Certificate of)	ORDER SUSPENDING
MARIA LADOU CER)	TEACHING CERTIFICATE

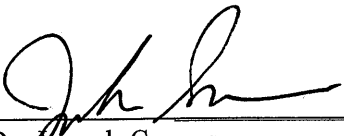
Pursuant to the authority granted to the Secretary of the South Dakota Department of Education by SDCL §§ 13-43-28.1, 13-42-9, and 13-42-15, following the receipt of a Complaint seeking revocation of a certificate from the South Dakota Professional Teachers Practices and Standards Commission, and after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

1. The Secretary affirms and adopts the Findings of Fact # 1-33, 35-52, and 54 and Conclusions of Law # 55-60, and 62 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 LaDoucer violated the following provisions of the South Dakota Code of Professional Ethics for Teachers—ARSD 24:08:03:01 (4), ARSD 24:08:03:02 (8).
3. The Secretary based on the evidence presented at the Commission hearing finds clear and convincing evidence LaDoucer violated the following provisions of the South Dakota Code of Professional Ethics for Teachers—ARSD 24:08:03:03 (13).
4. Finding of Fact #34 is revised to read: An Administrator Certificate is required prior to being employed as an administrator pursuant to ARSD 24:28:07:01.
5. Finding of Fact #53 is revised to read: The evidence presented to the Commission and all reasonable inferences therefrom demonstrates that LaDoucer violated ARSD 24:08:03:03 (4), ARSD 24:08:03:02 (8), and ARSD 24:08:03:03 (13).
6. Conclusions of Law #61 is revised to read: Clear and convincing evidence does not exist that LaDoucer violated ARSD 24:08:03:01 (4), (5), (8), (9); ARSD 24:08:03:02 (1), (7); or ARSD 24:28:03:03 (2), or (9).
7. Conclusion of Law #63 is added: Clear and convincing evidence exists that LaDoucer violated ARSD 24:08:03:03 (13).
8. Based upon the foregoing Findings of Fact and Conclusions of Law, the teaching certificate of Maria LaDoucer, Certificate #70766, issued on February 4, 2020, is hereby **suspended for a period of eighteen (18) months.**

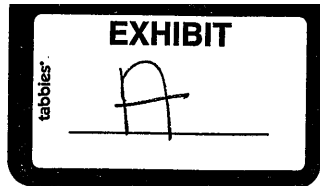
9. Notification of this suspension will be placed on the NASDTEC registry and be placed in LaDoucer's permanent certification file within the South Dakota Department of Education.
10. The Order and incorporated Findings of Fact and Conclusions of Law are public record pursuant to SDCL 13-42-17.1.

This constitutes final agency action and may be appealed to circuit court pursuant to SDCL § 13-42-16.

Dated this 21st of December, 2023.



Dr. Joseph Graves
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,	PTPSC 2023-08
Complainant,	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER
v.	
MARIA LADOU CER,	
Respondent.	

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 private hearing was held on November 8, 2023, 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 Chairperson Joy Robbins, Nichole Bowman, Jean Gunderson, Alesha Limbo, Crystal McMachen, and Kaye Wickward. Paul Bachand, counsel for the Commission, and Ferne Haddock, executive secretary of the Commission, were also present. The Complainant was personally present through their representative, Jane Cronin, along with attorney Amanda LaCroix. The Respondent was personally present pro se.

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. Respondent Maria LaDoucer (“LaDoucer”) is the holder of a valid South Dakota Teacher’s Certificate No. 70766, issued on February 4, 2020, and set to expire on July 1, 2025.
2. On or about June 16, 2023, Kathryn Blaha, Director of Accreditation and Certification for the South Dakota Department of Education (“Department”), filed a complaint against LaDoucer with the Commission.
3. The Complaint alleged that LaDoucer violated the following section(s) of the Code of Professional Ethics for Teachers:

- a. ARSD 24:08:03:01 which provides that in 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.
- b. ARSD 24:08:03:01 which provides that in fulfilling their obligations to students, educators shall act as follows: (5) conduct 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 which provides that in fulfilling their obligations to students, educators shall act as follows: (8) keep in confidence information that has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
- d. ARSD 24:08:03:01 which provides that in fulfilling their obligations to students, educators shall act as follows: (9) maintain professional relationships with students in a manner which is free of vindictiveness, recrimination, and harassment.
- e. ARSD 24:08:03:02 which provides that in fulfilling their obligations to the public, educators shall act as follows: (1) take precautions to distinguish between their personal views and those of the local school district or governing body.
- f. ARSD 24:08:03:02 which provides that in fulfilling their obligations to the public, educators shall act as follows: (7) engage in no act that results in a conviction.
- g. ARSD 24:08:03:02 which provides that in fulfilling their obligations 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 misleading or false statement.
- h. ARSD 24:08:03:03 which provides that in fulfilling their obligations to the profession, educators shall act as follows: (2) maintain confidentiality of professional information acquired about colleagues in the course of employment, unless disclosure serves professional purposes.
- i. ARSD 24:08:03:03 which provides that in fulfilling their obligations to the profession, educators shall act as follows: (4) accept a position or responsibility only on the basis of professional preparation and legal qualifications.
- j. ARSD 24:08:03:03 which provides that in fulfilling their obligations to the profession, educators shall act as follows: (9) not knowingly misrepresent their

professional qualifications.

- k. ARSD 24:08:03:03 which provides that in fulfilling their obligations to the professional, educators shall act as follows: (13) perform duties in accordance with local, state, and federal rules and laws.
4. The Complaint was served on LaDoucer on June 23, 2023.
5. LaDoucer filed a response with the Commission in email format to the Executive Secretary of the Commission between the dates of June 23, 2023, and June 28, 2023.
6. A due and proper Notice of Hearing was served on the parties setting this hearing for November 8, 2023.
7. A private hearing on this matter was held on November 8, 2023.
8. The parties stipulated the introduction of the Department's exhibits marked as Exhibits A-F as well as LaDoucer's exhibits marked as Exhibits 1-4.
9. LaDoucer has been in education for twenty years. She began her career in education as a volunteer, paraprofessional, and substitute teacher at Marty Indian School and Crazy Horse School.
10. After obtaining her master's degree in education and becoming a certified teacher, LaDoucer was employed as a teacher at St. Francis Indian School for ten years.
11. LaDoucer was a teacher at Rosebud Elementary within the Todd County School District ("Todd County") for three years.
12. Contrary to LaDoucer's belief, neither Todd County nor any of its agents filed an Ethics Complaint with the Commission. However, LaDoucer's personnel file from Todd County was obtained by the Department through its investigation.
13. An incident was reported to law enforcement regarding LaDoucer speeding. Although law enforcement came to the school and interviewed LaDoucer, she was not issued a traffic citation.
14. That same day the Principal, Marlys Walkling ("Walkling") informed LaDoucer she had received a phone call complaint about an incident that occurred in her classroom.
15. Royal Yellow Hawk testified before the Commission that he made LaDoucer aware of a Facebook post and comments that were targeting her character by individuals in the community including former and current co-workers in the evening of March 7, 2022.

16. In response to the Facebook post, LaDoucer sent the following message to a student's guardian:

"Hi [name redacted], seems like you are misinformed and shooting your mouth without any evidence. Nothing but lies! Never said a word about babysitting anyone. [name redacted] missed a month of school and was sleeping during a test. She was flagged as not working so I asked her to put her head up and that was all. No one was screaming.! We have cameras so knock it off. I know her mom drinks and you have her but don't transfer your hate and stress on me. Also just because I'm on tribal land doesn't mean you can be a bully and tell lies. I will see you in court if you don't stop your lies!"

17. In response to the Facebook post LaDoucer sent the following message to a community partner:

"Hey [name redacted], I hear you saying all kind of drama and lies about me. And posting on FB to get attention. Was never driving that fast, I passed one person and that is legal. Good luck show us you Dash camera. And [name redacted] saying I sit around and do nothing, how is that when in at work everyday, all day long. Hilarious... do you target others or just white teachers. I wouldn't harass me or you will have a law suit. No one endangered your life. Stop lying, and transferring your hate."

18. LaDoucer testified before the Commission that she was not proud of how she responded to these two individuals and admitted she could have handled the situation better.
19. Walkling directed LaDoucer to issue apology letters based on her conduct, but absent such direction, LaDoucer would not have apologized for her behavior.
20. LaDoucer repeatedly informed the Commission that false accusations were made against her.
21. LaDoucer failed to recognize how her Facebook responses were improper.
22. Walkling testified before the Commission that two written complaints against LaDoucer were filed with Todd County in March 2022 and an investigation was completed.
23. LaDoucer provided two rambling responses to the complaints.
24. Walkling testified that Todd County has policy GBEBB which address ethical use of electronic communications. It specifically states to 'not engage in electronic communication between themselves and other staff, students and/or parents/guardians, comments or content that would not be acceptable in a face-to-face communication.'
25. Walkling testified that Todd County found that LaDoucer violated the Todd County Employee Code of Expected Behaviors, Todd County Policy GAG, and Todd County Use of Electronic Communications.

26. Todd County suspended LaDoucer with pay to complete an investigation. At the conclusion of the investigation Todd County decided to not renew LaDoucer's contract.
27. LaDoucer testified that she terminated her contract with Todd County for the remainder of the 2021-2022 school year after she was offered a teaching position with St. Francis Indian School.
28. LaDoucer testified that in the summer of 2022, she was offered the middle school principal position with St. Francis Indian School for the 2022-2023 school year.
29. Testimony was provided by Jane Cronin, Administrator of the Office of Educator Certificate with the Department of Education. Cronin's duties include processing the applications of educators, reviewing documents, and managing the certificate system.
30. Cronin testified that in the summer of 2022, LaDoucer had a teaching certificate that allowed her to teach with elementary preparation grades K through 8.
31. Cronin testified that a personnel record form (PRF) is completed every year in the fall by each South Dakota accredited school district listing employees and their position within the district.
32. As an accredited school in South Dakota, St. Francis Indian School completed a PRF in the fall of 2022. LaDoucer was listed on this PRF as the middle school principal.
33. LaDoucer did not have the proper certification to be an administrator/middle school principal.
34. An Administrator Certificate is required prior to accepting a position as an administrator.
35. Since July of 2017 there has been a program in place called the administrator alternative certification process.
36. The administrator alternative certification process allows individuals with a teaching certificate in the State of South Dakota and with three or more years of teaching to apply for an administrator alternative certification.
37. An eligible individual must start the process by completing an application. This application and approval must be completed prior to the individual acting in an administrative role.
38. Cronin testified that part of the application process includes obtaining an intent to employ form from a school district which states they were unable to find someone who has an administrator certificate to accept the position and they intend to hire the individual completing the administrator alternative certification application.

39. The intent to employ form must be completed at the time the individual signs their employment contract and this form is required in order to complete the alternative certification process.
40. LaDoucer was the middle school principal at ST. Francis Indian School for the 2022-2023 school year.
41. LaDoucer testified that she knew she had to be certified in order to be a principal, but that she did not know she had to be certified to be a principal on the reservation.
42. LaDoucer, not wanting to be out of compliance, started researching what she had to do and found the 'K-12 Principal Alternative Certification' sheet on the Departments website.
43. Testimony was provided that the 'K-12 Principal Alternative Certification' informational sheet was unclear on the requirements and timeframe necessary for completing the alternative certification process, specifically with regards to the intent to hire document. Although some of the language on this informational sheet is vague, such vagueness does not negate the requirements to obtain the proper certification.
44. LaDoucer did not submit her application for the administrator alternative certificate until April of 2023.
45. On the Administrator Alternative Certification Application, to the question asking whether LaDoucer ever had a license teaching or educational service suspended or revoked, LaDoucer stated "No".
46. On the Administrator Alternative Certification Application, to the question asking whether LaDoucer ever left employment or been terminated to avoid disciplinary action, LaDoucer state "No".
47. That application directs an individual to disclose "Any information not disclosed by your answers concerning your background?" and LaDoucer did not disclose the information surrounding the situation that occurred at Todd County.
48. LaDoucer was the middle school principal at St. Francis Indian school without the proper certificate for the 2022-2023 school year.
49. The Code of Professional Ethics for Teachers applies to any certified teacher in South Dakota regardless of if or where they are employed.
50. The Code of Professional Ethics for Teachers does not have a timeframe which limits educators to comply with the Code of Professional Ethics for teachers during their contract hours, rather certified teachers must always comply.
51. LaDoucer accepted and acted in a position that she lacked the legal qualifications to hold.

52. LaDoucer failed to exemplify high moral standards when she sent unprofessional Facebook messages to a student's guardian and a community partner.
53. The evidence presented to the Commission and all reasonable inferences therefrom demonstrates that LaDoucer violated ARSD 24:08:03:03 (4) and ARSD 24:08:03:02 (8).
54. 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

55. The Commission has jurisdiction over this matter pursuant to SDCL §§ 13-43-28 and 13-43-28.1, SDCL 1-26, and the Administrative Rules of South Dakota, Chapters 24:08:03 and 24:08:04:01.
56. 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.
57. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 24:08:03:02 that in fulfilling their obligation 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.
58. Clear and convincing evidence exists that LaDoucer violated ARSD 24:08:03:02(8).
59. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 24:08:03:03 that in fulfilling their obligation to the profession, educators shall act as follows:
 - (4) Accept a position or responsibility only on the basis of professional preparation and legal qualifications.
60. Clear and convincing evidence exists that LaDoucer violated ARSD 24:08:03:03(4).
61. Clear and convincing evidence does not exist that LaDoucer violated ARSD 24:08:03:01(4), (5), (8), (9); ARSD 24:08:03:02(1), (7), or ARSD 24:08:03:03(2), (9) or (13).
62. Any conclusion of law improperly denoted as a finding of fact is hereby incorporated as a conclusion of law.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Commission hereby issues the following Order:

ORDER

ORDERED that this matter be referred to the Secretary of the South Dakota Department of Education for proceedings to suspend the teaching certificate of LaDoucer for eighteen (18) months 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 Teachers 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 certificate office of any state in which the respondent holds or applies for a certificate.

Dated this 15th day of December 2023.

PROFESSIONAL TEACHERS PRACTICES
AND STANDARDS COMMISSION

By: Joy Robbins
Joy Robbins, Chair