

STATE OF SOUTH DAKOTA) OFFICE OF THE SECRETARY
COUNTY OF HUGHES) :SS
SOUTH DAKOTA DEPT. OF EDUCATION

PROFESSIONAL TEACHERS)
PRACTICES AND STANDARDS)
COMMISSION,)
800 Governors Drive)
Pierre, SD 57501)
COMPLAINANT,)
v.)
LISA ROBINSON,)
[REDACTED])
RESPONDENT.)

Case No. OSE 2012-1
**ORDER SUSPENDING
SOUTH DAKOTA TEACHER
CERTIFICATION**

Pursuant to the authority granted to the Secretary of the South Dakota Department of Education by SDCL 13-43-28.1 and 13-42-9, following receipt of a Complaint for the Suspension of a Teacher’s Certificate dated March 16, 2012, from the South Dakota Professional Teachers Practices and Standards Commission, and after review of the entire record of the hearing before the Commission, the Secretary orders the following:

1. Findings of Fact 1-34 of the Commission dated March 16, 2012, are affirmed and adopted by the Secretary. These findings, attached as Exhibit A, are hereby incorporated into this Order by this reference as if set forth in full.
2. The Secretary makes the following additional Findings of Fact:
 42. There was no evidence that Robinson had prior criminal history.
 43. Robinson blames others for her situation, including the Ireland family, law enforcement, her lawyer, the judge, and the school district, but she does not accept responsibility for own her actions.
 44. Robinson’s failure to accept responsibility for her actions on July 21, 2011, demonstrates that she fails to understand the poor judgment involved in her actions.
3. Conclusions of Law 35-41 of the Commission dated March 16, 2012, are affirmed and adopted by the Secretary. These conclusions, attached as Exhibit A, are hereby incorporated into this Order by this reference as if set forth in full.

4. The Secretary makes the following additional Conclusions of Law:

45. Pursuant to SDCL 13-42-9 and SDCL 13-43-28.1, the Secretary has authority to revoke or suspend a teaching certificate for violation of the code of ethics.

46. Robinson's lack of criminal history before her offense indicates that a permanent revocation of her certificate is not necessary.

47. The severity of the offense involved and Robinson's failure to accept responsibility for her actions indicate that a period of suspension and conditions which encourage her to examine her decision-making in tense situations is appropriate.

5. Based upon the foregoing Findings of Fact and Conclusions of Law, the teacher Certificate No. 57570 issued to Lisa Robinson on March 28, 2010, is hereby **suspended for a period of two years and upon completion of the conditions** in paragraph 6.

6. At the end of the two year period, before her suspension may be lifted, Robinson must provide documentation that she has: (a) Completed all conditions of probation in Jackson County Criminal File 11-40; and (b) Completed anger management counseling by a licensed anger management counselor.

7. The two year period of suspension is **effective on the date of signing of this Order.**

8. Notification of Robinson's suspension will be placed on the NASDTEC registry and be placed in her permanent certification file within the South Dakota Department of Education.

9. This Order will be provided to the executive secretary of the Professional Teachers Practices and Standards Commission and its counsel, the complainant before the Commission, and the respondent.

10. This Order and incorporated findings and conclusions are a public record pursuant to SDCL Chapter 1-27 and 1-26-2. See PTPSC v. Tuma, Hughes Co. Civ. 08-170, Letter Decision Re: Respondent's Motion to Seal Court File (Wilbur, J., July 18, 2008).

This constitutes final agency action. Respondent has the right to appeal from this Order as provided by law unless such appeal has been waived.

Dated this 10th day of April, 2012.

A handwritten signature in cursive script that reads "Dr. Melody Schopp". The signature is written in black ink and is positioned above the printed name.

Dr. Melody Schopp
Secretary

South Dakota 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

KADOKA AREA SCHOOL DISTRICT,)
PO Box 99, Kadoka, SD 57543)

Case No. PTPSC 2011-03

Complainant,)

vs.)

LISA ROBINSON,)
)

Respondent.)

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

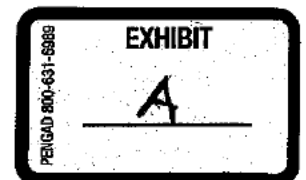
This matter came on for hearing pursuant to the provisions of SDCL 13-43-28 before the South Dakota Professional Teachers Practices and Standards Commission on February 22, 2012, at 10 a.m. in Conference Room 1, MacKay Building, 800 Governors Drive, Pierre, South Dakota as previously scheduled and duly and formally noticed for hearing.

The following members of the South Dakota Professional Teachers Practices and Standards Commission (Commission) were present: Patricia Benson, Thomas Keck, Bev Kopren, Rebecca Lamb, Janet Metzger, and Aaron Weaver. Paul E. Bachand, counsel for the Commission, and Ferne Haddock, Executive Secretary of the Commission, were also present. Complainant Jamie Hermann, CEO of the Kadoka Area School District and Respondent Lisa Robinson were present.

Based upon the evidence presented and the record on file, the Commission makes the following Findings of Fact and Conclusions of Law.

FINDINGS of FACT

1. Lisa Robinson is the holder of a valid South Dakota Certificate No. 57570, issued on March 28, 2010 and expiring on July 1, 2015.
2. On or about November 28, 2011 Jamie Hermann, CEO of the Kadoka Area School District filed a complaint with the Commission against Robinson.
3. The complaint alleged that Robinson violated the South Dakota Code of Professional Ethics for Teachers ARSD 24:08:03:02(7) in that Robinson engaged in an act that resulted in a conviction.
4. The complaint was served on Robinson on or about December 15, 2011.



5. Since 2001, Robinson has been employed as a teacher in South Dakota, Texas and Nevada.
6. In 2010, Robinson was employed by the Kadoka Area School District as a high school counselor.
7. On July 27, 2011 Robinson was charged by a criminal complaint with Aggravated Assault in violation of SDCL 22-18-1.1(5) (Class 3 Felony) and Reckless Discharge of a Firearm in violation of SDCL 22-14-7 (Class 1 Misdemeanor).
8. These charges related to an incident that occurred in rural Jackson County on July 21, 2011 in which Robinson discharged a firearm.
9. A preliminary hearing was held on the criminal charges on September 27, 2011.
10. At that preliminary hearing, Terry James Ireland provided testimony under oath concerning the actions of Robinson on July 21, 2011. A copy of the preliminary hearing transcript is attached hereto as Exhibit A and incorporated herein.
11. During the September 27, 2011 preliminary hearing, Ireland testified that he went to check on the property occupied by Robinson after being requested to do so by Ireland's mother who owned the property.
12. While at the property Ireland encountered Robinson and a heated discussion occurred.
13. A young child was with Robinson.
14. Ireland never left his vehicle.
15. At some point during the discussion with Ireland, Robinson retrieved a pistol from a vehicle, removed the pistol from its holster and fired three shots in the air.
16. The actions by Robinson frightened Ireland.
17. Ireland left the area and reported the incident to local law enforcement.
18. The Jackson County Sheriff's Office investigated this incident and interviewed both Ireland and Robinson.
19. Robinson admitted to the Jackson County Sheriff that Ireland had been at the property and that she did pull out a pistol and shot it in the air.
20. The Jackson County Sheriff requested that a warrant be issued for Robinson for the crimes of Aggravated Assault (SDCL 22-18-1.1) and Reckless Discharge of a Firearm (SDCL 22-14-7).
21. On October 5, 2011 Robinson entered a guilty plea to the criminal offense of Reckless Discharge of a Firearm in violation of SDCL 22-14-7.

22. On October 12, 2011, Ireland testified at Robinson's sentencing hearing.
23. At the sentencing hearing, the court indicated that: "...I have not heard any testimony or even argument to suggest that there was a legitimate threat to your safety that would justify doing what you did."
24. As part of the sentence imposed on Robinson, the court ordered that Robinson serve 30 days in jail with 27 days suspended. Robinson was ordered to issue a written apology to Ireland.
25. At the sentencing hearing, the court addressed Robinson stating: "The right to bare (sic) arms does not include the right to get it out and crank off a couple rounds whenever you want to win the argument. Do you understand what I'm saying?" To that question, Robinson answered: "Yes, sir."
26. Robinson's judgment of conviction is attached as Exhibit B.
27. As a result of Robinson's conviction, her employment with the Kadoka Area School District was terminated.
28. During the commission hearing on February 22, 2012, Robinson testified that even though Ireland testified at the preliminary hearing and at her sentencing, he was not the same individual who was present at the property in rural Jackson County when Robinson discharged her firearm.
29. Robinson never informed the court of her allegations as contained in the previous paragraph even though she had multiple opportunities to do so.
30. Robinson has not issued her written apology to Ireland.
31. Robinson has not accepted full responsibility for her actions on July 21, 2011.
32. Robinson's actions on July 21, 2011 indicate that she may take inappropriate actions during tense situations.
33. Robinson did not express any remorse to the commission for her actions and continually attempted to justify her actions.
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 is clear and convincing. In Re: Setliff, 202 SD 58, 645 N.W.2d 601, 605.
37. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 24:08:03:02 that in fulfilling their obligations to the public, educators shall act as follows:
 - (7) Engage in no act that results in a conviction;
38. Clear and convincing evidence exists that Robinson violated ARSD 24:08:03:02(7).
39. Robinson violated the South Dakota Code of Professional Ethics for Teachers, ARSD 24:08:03:02(7), by committing the act of Reckless Discharge of a Firearm in violation of SDCL 22-14-7 (Class 1 Misdemeanor).
40. Robinson pled guilty and was convicted of the criminal offense of Reckless Discharge of a Firearm in violation of SDCL 22-14-7.
41. 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

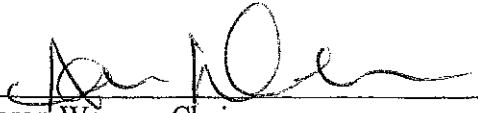
ORDERED that this matter be referred to the Secretary of the South Dakota Department of Education for proceedings to suspend the teaching certificate of Robinson as provided for in SDCL 13-43-28. The commission recommends a suspension until at least June 30, 2014. It is further

ORDERED that a copy of the Findings of Fact, Conclusions of Law and Order be sent to 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 NASDTEC clearing house and that it remain with the Department's permanent certification file.

Dated this 16th day of March, 2012.

PROFESSIONAL ADMINISTRATORS
PRACTICES and STANDARDS COMMISSION

By 

Aaron Weaver, Chair
800 Governors Drive
Pierre, SD 57501-2294