

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

In the Matter of the Revocation)
of the Teacher's Certificate) ORDER REVOKING
of Terry W. Olson) 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 December 15, 2010, 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 1-36 of the Commission dated August 19, 2010, are affirmed and adopted by the Secretary. These findings, attached, are hereby incorporated into this Order by this reference as if set forth in full.

2. The Secretary makes additional Finding of Fact 37:

Olson's inappropriate attempts to solicit the student for improper purposes violated ARSD 24:08:03:01(7) in that he failed to maintain a professional relationship with a student without exploitation of the student for personal gain or advantage.

3. Conclusions of Law 37-44 of the Commission dated August 19, 2010, are affirmed and adopted by the Secretary. These conclusions, attached, are hereby incorporated into this Order by this reference as if set forth in full.

4. The Secretary makes additional Conclusion of Law 45:

Olson violated the South Dakota Code of Professional Ethics for Teachers, ARSD 24:08:03:01(7) by engaging in a course of conduct over several months in which he attempted to solicit a student for improper purposes. These actions failed to maintain a professional relationship of the student without exploitation of the student for personal gain or advantage.

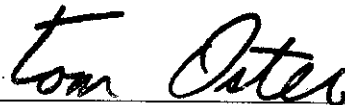
5. There is clear and convincing evidence that Terry W. Olson violated the South Dakota Code of Ethics for Teachers established under SDCL 13-43-25, namely ARSD 24:08:03:01(4), (5), (7) and (9).

6. Pursuant to SDCL 13-42-9 and SDCL 13-43-28.1, the Secretary makes the ultimate decision regarding the appropriate remedy for violation of the code of ethics.

7. A two year suspension of Olson's teaching certification is not a sufficient remedy based upon the foregoing Findings of Fact and Conclusions of Law, and the Secretary respectfully rejects the Commission's recommendation in that regard.
8. Based upon the foregoing Findings of Fact and Conclusions of Law, the teacher Certificate No. 48776 issued to Terry W. Olson on May 18, 2006, is hereby **revoked for a period of five years**, effective on the date of signing of this Order.
9. If Olson applies for a new teaching certificate at the conclusion of the five year period, then he must demonstrate to the Department's satisfaction that he has taken classes in anger management and avoiding sexual harassment which will help him avoid the kinds of actions at issue in this proceeding.
10. Notification of Olson's revocation will be placed on the NASDTEC registry and be placed in his permanent certification file within the South Dakota Department of Education.
11. This Order will be sent to the Professional Teachers Practices and Standards Commission and its counsel, the complainant and their counsel, and Terry W. Olson and his counsel, if any.
12. This Order does not restrict the Secretary from forwarding this file to anyone that has the authority to employ Terry W. Olson, if requested in writing.
13. Pursuant to SDCL 13-42-15, Olson has **ten (10) days** after receipt of this notice to surrender his original South Dakota Teacher certificate No. 48776 to Ferne Haddock, South Dakota Department of Education, MacKay Building, 800 Governors Drive, Pierre, SD 57501. As stated in SDCL 13-42-15.1, failure to surrender the certificate may result in a civil penalty.

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

Dated this 29th day of December, 2010



Tom Oster
Secretary
South Dakota Department of Education
800 Governors Drive
Pierre, SD 57501

3. The complaint alleged that Olson violated sections of the South Dakota Code of Professional Ethics for Teachers as a result of his interactions with a 16 year old female student at Brookings High School.
4. The complaint was served on Olson on or about September 14, 2010.
5. Olson admitted in his response to the complaint that his attempts to contact the student were unprofessional.
6. A notice of hearing was served on Olson on or about October 5, 2010. The notice of hearing advised Olson that a hearing had been set for Friday December 3, 2010 at 9 a.m. or as soon thereafter as may be heard at Conference Room 1, McKay Building (State Library), 800 Governors Drive, Pierre, South Dakota.
7. On December 3, 2010 Olson did not appear at the hearing.
8. Olson has been employed by the Brookings school district as a teacher and athletic trainer for approximately 15 years.
9. On or about August 23, 2010 the parents of a 16 year old female high school student made a report to the school district of possible inappropriate actions between Olson and their daughter.
10. The father provided documentation to the school district including multiple emails through Facebook received by his daughter.
11. From May 17, 2010 through August 11, 2010 the student received 18 emails and many "friend requests" through Facebook from Olson.
12. The communications from Olson were inappropriate.
13. The communications from Olson to the student caused the student embarrassment.
14. The communications from Olson to the student were harmful to the emotional well-being of the student.
15. Olson's actions with the student exposed the student to unnecessary intimidation and embarrassment.
16. Olson failed to maintain a professional relationship with the student in a manner free of harassment.
17. On May 17, 2010 Olson sent the following message to the student:

"OK...my name is T.O., and you expect me to take care of you when you're sick...and rub om your butt, when it's sore...and tape your ankles that are prickley..(please

shave!) and treat you like a daughter, when you are in the mood for that...and ignore you when you are pissy...and pretend I don't care about you when I do...and accept you just the way you are...and treat your boyfriend like gold, and never worry about you when I know you are hurting...and pretend that I don't care that you think I'm a creeper...and pretend that you helping me in the training room is no big deal...IK you get the picture! 'Just wanted to say, I am really glad you are feeling better, and I hope you run well on Thursday! -T.O.'

18. On June 4, 2010 Olson sent the following message to the student with a tag line of "From some weird guy named T.O.":

"Hi...'was just thinking about you alittle bit..."

19. On June 15, 2010 Olson sent the following message to the student:

"I can't believe you dumped me again...do I smell bad or what?"

20. On June 19, 2010 Olson sent the following message to the student:

"I don't know why but if this is best for you...so be it! Good luck in the future and always know that I do care about you! Later, T.O."

21. After the message on June 19, 2010 Olson continued to harass the student with messages through Facebook.

22. On June 22, 2010, within a two hour time-frame, Olson sent two messages to the student.

23. On June 22, 2010 at 4:24 pm he sent the following message to the student:

"Am I on your poop list for life, or just temporarily? And one more thing...what did I do to lose your friendship? You are an interesting young lady (name redacted)...At least respond a little!"

24. Later on June 22, 2010 at 6:02 pm he sent the following message to the student:

"OK (name redacted), Listen to T.O. I am not a creeper...I don't want anything from you...If you want me out of your life...I'm gone! But please, realize that nothing here is weird...nothing is complicated...nothing is expected. We have developed a very good relationship as mentor and student. You are really good at what you do...I am really good at what I do...We can work together and not have it be weird...I promise! Now if you are so sure that me tagging you is a bad thing, I won't do it again...If you don't want me to in any way make you feel special...I can work on that. But please don't give up on what we have...a very special professional relationship! I will respect your privacy...but please don't hate me for caring about your welfare...I am a good person w/ good intentions...for you! Your friend and mentor, T.O."

25. Even though Olson indicated during the course of his communication with the student that he would not contact her again, he continued his attempts to contact her through Facebook.
26. During the time period in which the student received these emails, the student took no actions that could reasonably be construed by Olson as an invitation for him to contact her.
27. On July 15, 2010 Olson sent the following message to the student:

"Has anybody told you how pretty you are today??"
28. Olson's one-sided communication with the student demonstrates he lacks judgment as to what is considered appropriate communication with students.
29. The communications sent to the student between May 17, 2010 and August 11, 2010 were inappropriate and an attempt by Olson to solicit the student for improper purposes.
30. The repeated attempts to contact the student constitute harassment.
31. The Brookings School District has previously admonished Olson due to his inappropriate conduct with female students.
32. As a result of Olson's action, he resigned from the Brooking School District.
33. Olson's actions violate ARSD 24:08:03:01(4) in that he failed to protect the student from conditions that were harmful to learning as well as the student's physical and emotional well-being.
34. Olson's actions violate ARSD 24:08:03:01(5) in that he failed to conduct professional business in a way that did not expose a student to unnecessary intimidation and harassment.
35. Olson's actions violate ARSD 24:08:03:01(9) in that he failed to maintain a professional relationship with a student in a manner free from harassment.
36. Any finding of fact improperly denoted as a conclusion of law is hereby incorporated as a finding of fact.

CONCLUSIONS OF LAW

37. 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.

38. The burden of proof in this matter is clear and convincing. In Re: Setliff, 202 SD 58, 645 N.W.2d 601, 605.
39. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 24:08:03:01 that in fulfilling their obligations to the 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;
 - (5) Conduct professional business in such a way that they do not expose the student to unnecessary intimidation, embarrassment, or disparagement;
 - (9) Maintain professional relationships with students in a manner free of vindictiveness, recrimination and harassment.
40. Clear and convincing evidence exists that Olson violated ARSD 24:08:03:01(4), (5) and (9).
41. Olson violated the South Dakota Code of Professional Ethics for Teachers, ARSD 24:08:03:01(4), by engaging in a course of conduct over several months in which he made numerous inappropriate attempts to contact a student. These actions fail to maintain order in the school system and fail to protect the student from conditions harmful to learning and the student's emotional well-being.
42. Olson violated the South Dakota Code of Professional Ethics for Teachers, ARSD 24:08:03:01(5), by engaging in a course of conduct over several months in which he made numerous inappropriate attempts to contact a student. These actions exposed the student to unnecessary intimidation and embarrassment.
43. Olson violated the South Dakota Code of Professional Ethics for Teachers, ARSD 24:08:03:01(9), by engaging in a course of conduct over several months in which he made numerous inappropriate attempts to contact a student. These actions failed to maintain professional relationships with a student in a manner free of harassment.
44. 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 Olson as


provided for in SDCL 13-43-28. The commission recommends a suspension of two years. 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 National Association of State Directors of Teacher Education and Certification clearinghouse and that it remain with the Department's permanent certification file.

Dated this 15 day of December, 2010.

PROFESSIONAL TEACHERS PRACTICES
and STANDARDS COMMISSION

By 
Joseph Harrison Ed.D. Chair
700 Governors Drive
Pierre, SD 57501-2291