

STATE OF SOUTH DAKOTA )  
 )SS SOUTH DAKOTA PROFESSIONAL  
 COUNTY OF HUGHES ) ADMINISTRATORS PRACTICES AND  
 STANDARDS COMMISSION

File 2014-10

In the Matter of the Suspension )  
 of the Certificate of ) FINDINGS OF FACT, CONCLUSIONS  
 Michael Dean Reinhiller ) OF LAW AND ORDER

This matter was referred to the undersigned Robert B. Anderson as an independent hearing officer by the Secretary of the South Dakota Department of Education pursuant to SDCL § 13-42-12 and SDCL § 13-43-49.

The undersigned independent hearing officer has reviewed the original "Complaint for Violation of the Code of Ethics" filed by Carla Leingang as Administrator of the Office of Certification and Teacher Quality, South Dakota Department of Education, dated January 13, 2014; The hearing transcript generated from the July 9, 2014 hearing held before the South Dakota Professional Administrators Practices and Standards Commission (hereafter "Commission"), the Findings of Fact Conclusions of Law and Order dated July 25, 2014 signed by Dr. Kelly Glodt as Chair of the Commission, the Complaint for the Suspension of the Certificate of an Administrator dated July 25, 2014 filed by Dr. Kelly Glodt as Chair of the Commission and directed to Melody Schopp as Secretary of the South Dakota Department of Education and the Renewal Application filed by Michael Dean Reinhiller activated on June 27, 2014 as well as all exhibits attached to the Complaint of July 25, 2014. This matter originated by way of the Complaint dated January 13, 2014. Pursuant to that Complaint a hearing was held before the Professional Administrators Practices and Standards Commission on July 9, 2014. The January 13, 2014 Complaint alleged that Michael Dean Reinhiller (Reinhiller) violated certain subsections of the Administrator Code of Ethics as set forth in ARSD § 24:11:03:01. At the July 9, 2014, hearing Reinhiller admitted to all the allegations contained in the January 13, 2014 Complaint. After conclusion of the hearing, the Commission entered Findings of Fact Conclusions of Law and Order which among other things ordered that the matter be referred to the Secretary of South Dakota Department of Education proceedings to suspend the teaching certificate and administrator endorsement of Reinhiller as provided for in SDCL § 13-43-48. Pursuant to those Findings of Fact Conclusions of Law and Order, the Complaint dated July 25, 2014, was filed by the Commission with the Secretary of Education. That complaint asks that Reinhiller's teaching and administrators certificate be suspended for a period of 5 years by the Secretary or her designee for violations of the code of ethics for administrators as set forth in ARSD § 24:11:03:01.

After completing a review of all of the file in its entirety including but not necessarily limited to all the documents described above, the undersigned as designated hearing officer now makes the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Reinhiller is the holder of a valid South Dakota administrators certificate No. 51898 issued on January 5, 2009 and expiring on July 1, 2014.

2. On or about January 13, 2014, Carla Leingang, Administrator, Office of Certification and Teacher Quality, South Dakota Department of Education, filed a complaint against Reinhiller with the Commission.
3. The complaint alleged that Reinhiller violated sections of the South Dakota Code of Professional Ethics for Administrators.
4. The complaint was served on Reinhiller on or about January 14, 2014.
5. A due and proper notice of hearing was served on Reinhiller.
6. A hearing on the complaint was held on July 9, 2014 at Conference Room 4, MacKay Building, 800 Governors Drive, Pierre, South Dakota.
7. Reinhiller has three children: (a) L.R. a sophomore in college in the 2012-2013 school year; (b) B.R. a junior in high school during the 2012-2013 school year; and (c) T.R. a sophomore in high school during the 2012-2013 school year.
8. In 2003, Reinhiller began employment at the Chester Area School District (District) as a middle school and high school principal.
9. Reinhiller was one of only four District employees with the ability to make changes to the District's electronic transcripts. IT coordinates Shane Fods and Jami Wolf and guidance counselor Lisa Hansen were the other three employees.
10. On or about June 4, 2013, Fods discovered that, for the prior six years, the grade point averages (GPAs) of all three of the Reinhiller children had been inflated on the electronic transcript so that these GPAs were higher than what was reflected by the report card grades.
11. The GPAs of other students had not been changed.
12. On or about June 4, 2013, District Superintendent Mark Gerguson and District elementary principal Faith Stratton met with Reinhiller. Reinhiller admitted to changing the transcripts of all his children and submitted his resignation.
13. On or about June 19, 2013, Reinhiller submitted a letter to the chairman of the Professional Administrators Practices and Standards Commission. In that letter, Reinhiller admitted that he changed grades of his children on their transcripts. He also admitted that he took advantage of his position as an administrator and trusted leader of the school and compromised the integrity of the District.
14. During the hearing in this matter, Reinhiller admitted to changing L.R.'s grades for four or five classes during the time that L.R. attended high school.

15. During the hearing in this matter, Reinhiller admitted to changing B.R.'s grades 12 to 14 times. He changed grades from Ds to Cs.
16. During the hearing, Reinhiller admitted to changing T.R.'s grades only a few times.
17. Although academic eligibility for sporting activities at the school was never an issue for the Reinhiller children, one reason Reinhiller changed the grades of his children was to make up for what he perceived as his children being slighted in some of their sporting activities at school.
18. Reinhiller changed the grades of his children primarily in classes taught by Kristi Phillips and Jarrod Huntimer.
19. Reinhiller admitted that he had some conflicts with Phillips and Huntimer.
20. Kristi Phillips taught physical science, chemistry and physics and she was the head track coach.
21. Jarrod Huntimer coached football, girls basketball and was the strength and conditioning coach.
22. Reinhiller's children were not aware that their grades had been changed until after Reinhiller tendered his resignation to the Chester Area School District.
23. Reinhiller self-reported to the commission the fact that he had changed his children's grades while he was the principal at the Chester Area School.
24. Reinhiller's wife was unaware that he improperly accessed the school computer and changed grades for their children until after administrators at the Chester Area School District had discovered these actions. She did not participate in changing the children's grades.
25. The grades of Reinhiller's children were corrected and ultimately no student ranks were impacted. Had the change not been detected, class standing and rank of some other children and students in the Chester Area School District would have been impacted by Reinhiller's actions.
26. Reinhiller's acts in changing the grades of his children violates the following code of ethics for administrators:

ARSD § 24:11:03:01:

- (1) Make the well-being of the students the basis of decision making and action;
- (3) Exemplify high moral standards by not engaging in or becoming a party of such activities as fraud, embezzlement, deceit, moral turpitude, gross immorality, illegal drugs, or use of misleading or false statements.

- (5) Interpret, accurately represent, and implement the policies and administrative regulations of the appropriate educational governing board;
  - (7) Fulfill professional responsibilities with honesty and integrity;
  - (9) Safeguard confidential information;
  - (10) Not allow professional decisions or actions to be impaired or influenced by personal gain, gifts, gratuities, favors, and services made or withheld;
  - (11) Avoid preferential treatment and conflicts of interest;
27. At the hearing before the Commission the attorney for the South Dakota Department of Education informed the Commission that a nonbinding agreement to recommend a one year suspension of Reinhiller's certificate had been reached by he and Reinhiller's attorney prior to the July 9, 2014, hearing.
  28. The Commission rejected the nonbinding recommendation. Prior to the Commission's ultimate decision to refer the matter to the Secretary of Education and recommend a five year suspension, Reihiller was fully aware that the recommendation was nonbinding.
  29. Reinhiller has admitted that his actions in changing his children's grades were improper and realizes the mistake that he made in doing so.

Based on the foregoing finding of fact, the Commission hereby issues the following conclusions of law:

#### CONCLUSIONS OF LAW

1. The Commission had jurisdiction over this matter pursuant to SDCL § 13-43-28 and 13-43-28.1, SDCL Ch. 1-26, and the Administrative Rules of the South Dakota, Chapters 24:08:03 and 24:08:04:01.
2. The burden of proof when before the Commission at the contested case hearing was clear and convincing evidence.
3. The undersigned has subject matter and personal jurisdiction in this matter as the designee of the South Dakota Secretary of the Department of Education pursuant to SDCL § 13-42-12 and 13-43-49
4. The South Dakota Code of Professional Ethics for Administrators provides at ARSD 24:11:03:01 that the professional administrator shall comply with the following code of ethics:
  - (1) Make the well-being of the students the basis of decision making and action;

- (3) Exemplify high moral standards by not engaging in or becoming a party of such activities as fraud, embezzlement, deceit, moral turpitude, gross immorality, illegal drugs, or use of misleading or false statements.
  - (5) Interpret, accurately represent, and implement the policies and administrative regulations of the appropriate educational governing board;
  - (7) Fulfill professional responsibilities with honesty and integrity;
  - (9) Safeguard confidential information;
  - (10) Not allow professional decisions or actions to be impaired or influenced by personal gain, gifts, gratuities, favors, and services made or withheld;
  - (11) Avoid preferential treatment and conflicts of interest;
5. Clear and convincing evidence exists that Reinhiller violated ARSD 24:11:03:01 (1), (3), (5), (7), (9), (10) and (11).
6. Any conclusion of law improperly denoted as a finding of fact is hereby incorporated as a conclusion of law.


**ORDER**

Based upon the forgoing findings of fact and conclusions of law, it is hereby

ORDERED, that a copy of these Findings of Fact, Conclusions of Law and Order be filed by the Secretary of the South Dakota Department of Education for placement in the Department's permanent certification file and that notice be placed on the NASDTEC clearing house; it is further

ORDERED, that the Teaching Certificate and Administrator Endorsement held by Michael Dean Reinhiller be suspended for a period of five years commencing retroactively on July 25, 2014, for violations of the code of ethics for administrators, found in the administrative rules of the State of South Dakota ARSD 24:11:03.

Dated this 9<sup>th</sup> day of September, 2014.

BY:   
ROBERT B. ANDERSON  
Independent Hearing Officer