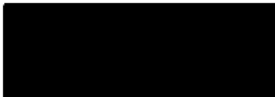


STATE OF SOUTH DAKOTA)
)
COUNTY OF HUGHES) SOUTH DAKOTA DEPT. OF EDUCATION

In re: certification application of)
LORI ANN TVEDT)
) DSE 2018-06
) ORDER DENYING
) TEACHING CERTIFICATE

TO: Lori Ann Tvedt




In accordance with and pursuant to the authority granted to the Secretary by SDCL §13-42-4, 13-42-7, 13-42-9, and ARSD article 24:18, and after review of the record herein, the Secretary issues the following ORDER:

1. The Secretary accepts the allegations of the Notice of Intent to deny Teaching Certificate as true and enters the attached Findings of Fact and Conclusions of Law.
2. The application of Lori Ann Tvedt for a renewal of a teacher certificate is DENIED.
3. The Order and Findings of Fact and Conclusions of Law are a public record pursuant to SDCL 13-42-17.1 and ARSD 24:18:04:05.
4. Notification of this denial is to be placed on the NASDTEC registry and be placed in applicant's permanent certification file within the South Dakota Department of Education.

This constitutes final agency action and may be appealed to circuit court pursuant to ARSD 24:18:02:06.

Dated this the 23rd of October 2019.


Benjamin F. Jones, Ph.D.
Secretary
Department of Education
800 Governors Drive
Pierre, SD 57501

STATE OF SOUTH DAKOTA)
)
COUNTY OF HUGHES) **DIVISION OF THE SECRETARY**
) **SOUTH DAKOTA DEPT. OF EDUCATION**

In re: certification application of)
LORI ANN TVEDT) **DSE 2018-06**
) **FINDINGS OF FACT and**
) **CONCLUSIONS OF LAW**

Lori Ann TVEDT (TVEDT) filed an Application for a renewal of an educator certificate on or about May 4, 2018. After a review of the entire file, the Secretary enters the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. On or about September 3, 2019, the South Dakota Department of Education Office of Educator Certification (hereinafter “Department”) served a Notice of Intent to Deny Teaching Certificate and attached exhibits on LORI ANN TVEDT (hereinafter “TVEDT”) via certified mail, first class mail, and e-mail. See Exhibit A attached hereto and made a part of this document.
2. The Notice of Intent informed TVEDT that if she failed to request a hearing within 30 days after service of the notice, the allegations of the Notice would be accepted as true by the Secretary.
3. The Department received no request for hearing from TVEDT within the 30-day period, which ended on or about October 3, 2019.
4. On or about May 4, 2018, TVEDT filed an application for the renewal of a teaching certificate. During the process of application renewal, it was discovered that the

certificate had expired on July 1, 2013 and had not been renewed for five years.

5. It was also discovered through the application renewal process that TVEDT provided a teaching certificate to the Ombudsman Education Services that indicated TVEDT's certificate was valid for the years 2013-2018. This was not consistent with the Department's records. It was further learned that TVEDT had been employed as a teacher without a valid certificate at Axtell Park school in Sioux Falls since 2013.

6. The Department referred this matter over to the Office of the Attorney General for a criminal investigation and as a result, TVEDT admitted to the investigating officer that she did in fact create a false certificate.

7. On January 16, 2019, a Criminal Information was filed in Minnehaha County Circuit Court by the Attorney General's Office charging TVEDT with one count of Obstructing Certain Public Officers or Employees under SDCL §22-11-3, a Class 2 Misdemeanor.

8. On February 7, 2019, TVEDT plead guilty to this offense and was sentenced to ten (10) days in jail, suspended, and \$120.00 fine.

CONCLUSIONS OF LAW

1. Grounds for the denial or non-renewal of a teacher's certificate are provided in SDCL Chapter 13-42.

2. The Secretary of the Department of Education has the power and authority to refuse to issue or renew a certificate for violation of the code of professional ethics governing teachers. SDCL §§ 13-42-7 and 13-42-9 (2).

3. The Professional Teachers Practices and Standards Commission for South Dakota has

the authority and obligation to promulgate rules for a code of professional ethics for the teaching profession in South Dakota. SDCL § 13-43-25. This code of professional ethics is found in ARSD Chapter 24:08:03.

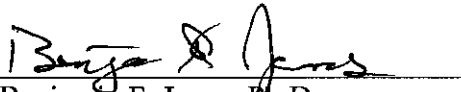
4. The Code of Ethics requires a teacher to not engage in acts that result in a conviction. ARSD 24:08:03:02 (7).

5. TVEDT's actions in creating a false teaching certificate and the resulting criminal conviction for Obstructing Certain Public Officers or Employees under SDCL §22-11-3, a Class 2 Misdemeanor constitutes a violation of the code of ethics.

6. Any conclusion of law more properly designated as a finding of fact is hereby so designated.

7. TVEDT's application should be denied for violations of the code of ethics. SDCL § 13-42-9 (2); ARSD 24:08:02 (7).

Dated this the 23rd day of October 2019.


Benjamin F. Jones, Ph.D.
Secretary
Department of Education
800 Governors Drive
Pierre, SD 57501



south dakota
DEPARTMENT OF EDUCATION

Learning. Leadership. Service.

800 Governors Drive
Pierre, SD 57501-2235

T 605.773.3134
F 605.773.6139
www.doe.sd.gov

September 3, 2019

Via USPS Certified Mail, U. S. Mail, and email

Lori Ann Tvedt



Re: Notice of Intent to Deny South Dakota Teacher Certificate

Dear Ms. Tvedt:

Enclosed please find the Department of Education's Notice of Intent to Deny Teaching Certificate regarding your application for a Certificate to teach in the South Dakota school system.

After a thorough examination into your application, it is our intent to deny your application. Please review the attached Notice carefully as it explains the decision, the basis for it, and it gives you the right to request a hearing should you so desire.

Please be aware that I represent the Department of Education in this matter and I do not represent your interests. If you wish to have legal counsel, feel free to contact an attorney of your choice.

Sincerely,

Diane B. Roy
General Counsel

Enc: 1

cc: Carla Leingang, Office of Educator Certification

