

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

In the Matter of the
Teaching Certificate of
Keenan Soyland.

)
)
)
)
)
)
)

DSE 2019-03
**ORDER REGARDING
SOUTH DAKOTA TEACHING
CERTIFICATION**


Pursuant to the authority granted to the Secretary of the South Dakota Department of Education by SDCL 13-42-9, 13-42-15, and 13-43-28.1, following receipt of a Complaint from the South Dakota Professional Teachers Practices and Standards Commission, and after review of the entire record herein, including the Complaint from the Commission and attached exhibits and the entire hearing record, the Secretary enters the following order:

1. The Secretary affirms and adopts the Findings of Fact and Conclusions of Law of the Commission attached as Exhibit A and incorporated herein by this reference.
2. Based on the foregoing Findings of Fact and Conclusions of Law, Soyland's South Dakota Teaching Certificate 80200 is **hereby suspended for a period of five (5) years**, effective as of the date of this order.
3. Pursuant to the Commission's authority under SDCL 13-43-28, the following conditions are hereby placed upon Soyland as a part of this order of suspension:
 - 1) Soyland shall complete an alcohol evaluation by October I, 2019, at his own cost, and follow through with any and all recommendations;
 - 2) Soyland shall obtain a mental health evaluation by October I, 2019, addressing the issues as presented in the complaint at Soyland's own cost and follow through with any and all recommendations;
 - 3) Soyland shall complete a course of continuing education that covers ethical considerations regarding social media use by educators;
 - 4) Soyland shall not engage in or become party to any illicit relationships with students;
 - 5) Upon completion of any evaluations/exams/courses, Soyland shall provide written proof to the executive secretary of the Professional Teachers Practices and Standards Commission; and
 - 6) Soyland shall, at the request of the Commission Chair, personally appear in front of the Commission to address compliance with these terms and conditions.

4. Notification of this Order will be placed on the NASDTEC registry and be placed in Soyland's permanent certification file within the South Dakota Department of Education.
5. This Order and incorporated findings and conclusions are a public record pursuant to SDCL 13-42-17.1.
6. Soyland is prohibited from being employed by a public school or other accredited school in South Dakota pursuant to SDCL 13-43-5.1.

This constitutes final agency action and may be appealed pursuant to SDCL 13-42-16 unless appeal has been waived.

Dated this 20th day of June, 2019.


Dr. Benjamin F. Jones, Secretary
South Dakota Department of Education

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

)
ss: SOUTH DAKOTA PROFESSIONAL TEACHERS
) PRACTICES AND STANDARDS COMMISSION

TIM FREDERICK, SUPERINTENDENT,
MOBRIDGE-POLLOCK SCHOOL DISTRICT,
COMPLAINANT,
v.
KEENAN SOYLAND,
RESPONDENT.

)
) PTPSC 2019-01
)
) 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. A hearing was held on April 3, 2019, at 10:00 a.m. Central Time in the Matthew Training Center, Foss Building, First Floor, 523 E. Capitol Avenue, Pierre, South Dakota. The hearing had previously been scheduled and noticed to begin at 1:00 p.m. CT on April 3, 2019 but was held at 10:00 a.m. CT by agreement of the parties.

The following members of the South Dakota Professional Teachers Practices and Standards Commission (Commission) were present at the hearing: Tammy Jo Schlechter, Ann Noyes, Paula McMahan, Caitlin Bordeaux, and Kaye Wickard. Holly Farris and Paul Bachand, co-counsel for the Commission, and Ferne Haddock, executive secretary of the Commission, were also present. Complainant Frederick was personally present and not represented by counsel. Respondent Soyland was personally present and not represented by counsel.

Based upon the admissions made by Respondent Soyland, 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 Keenan Soyland (Soyland) is the holder of a valid South Dakota Teacher's Certificate, No. 80200, issued on December 14, 2016, and expiring July 1, 2021.
2. On or about January 7, 2019, Superintendent Tim Frederick, of the Mobridge-Pollock School District ("MPSD") in Mobridge, South Dakota, filed a complaint against Soyland with the Commission.
3. The complaint alleged that Soyland had violated sections of the South Dakota Code of Professional Ethics for Teachers as a result of his interactions with two students at MPSD.
4. The complaint alleged that Soyland violated the following sections of the Code:
 - a. ARSD 24:08:03:01(7), which states that in fulfilling their obligations to students, educators shall "[m]aintain professional relationships with students without exploitation of student for personal gain or advantage[.]"
 - b. ARSD 24:08:03:01(9), which states that in fulfilling their obligations to students, educators shall "[m]aintain professional relationships with students in a manner which is free of vindictiveness, recrimination, and harassment[.]"



- c. ARSD 24:08:03:01(10), which states that in fulfilling their obligations to students, educators shall "[n]ot engage in or be a party to any sexual activity with students including sexual intercourse, sexual contact, sexual photography, or illicit sexual communication[.]"
 - d. ARSD 24:08:03:02(8), which states that in fulfilling their obligations to the public, educators shall "[e]xemplify 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 the use of misleading or false statements[.]"
5. The complaint was served on Soyland on or about January 14, 2019.
 6. Soyland responded to the initial complaint on or about February 13, 2019.
 7. A due and proper notice of hearing was served on the parties on February 28, 2019, setting the hearing for April 3, 2019.
 8. The hearing was held on April 3, 2019, at 10:00 a.m. Central Time in the Matthew Training Center, Foss Building, First Floor, 523 E. Capitol Avenue, Pierre, South Dakota.
 9. At the hearing, Soyland admitted to all allegations contained in the complaint.
 10. Soyland began employment with MPSD at the beginning of the 2017-2018 school year and continued employment with MPSD until his resignation in January 2019. At the time of the conduct alleged in the complaint, Soyland was employed by MPSD as a grade 3 through 9 physical education and health teacher. Soyland also coached girls basketball and volleyball, and conducted athletic camps during the summer, as part of his employment at MPSD.
 11. MPSD maintains a policy regarding the use of social media by teachers and communications between teachers and students on social media. This policy, along with the South Dakota Code of Professional Ethics for Teachers, is provided to and reviewed with MPSD teachers during the annual in-service preceding the start of school year. Soyland participated in such an in-service prior to the start of the 2017-2018 school year at MPSD.
 12. On or about August 30, 2018, Soyland communicated with a female student ("Student 1") of MPSD via the social media application Instagram. Student 1 was approximately 17 years old and a junior at MPSD.
 13. The communications were initiated at night after Soyland had spent the day socializing with friends, playing golf, and consuming alcohol. Soyland testified that he consumed alcohol to the extent that he did not remember portions of the night, such as communicating with Student 1.
 14. The communications between Soyland and Student 1 were initiated by Soyland at approximately 11:30 p.m. on August 30, 2018.
 15. The exchange between Soyland and Student 1 included requests from Soyland that Student 1 come over to his home to pick up a shirt. Soyland also repeatedly said Student 1 should sneak out of her home, in response to Student 1's replies declining to come over. At the close of the conversation, Soyland asked Student 1 for the phone number of another student ("Student 2").

16. Soyland testified that he did not remember why he initiated communications with Student 1, due to his state of intoxication but that based on the content of the messages, he wanted Student 1 to come to his home.

17. Complainant Frederick became aware of the communications on or about August 31, 2018, after Student 1 disclosed them to the school counselor and then to Frederick.

18. After being notified of the communications, the school district investigated the incident involving Soyland and Student 1. The investigation entailed a meeting with Student 1 and Student 1's parents, gathering information from other students, and a review of the information by an administrative team.

19. The investigation resulted in Soyland receiving a letter of reprimand from MPSD. The letter of reprimand placed five conditions on Soyland. The conditions placed upon Soyland were: 1) write and send a letter of apology to the parents of Student 1, 2) no contact with any students outside of school channels without other adults being present, 3) have no social media accounts, with an allowance to use the MPSD website to share information, 4) not be seen in public under the influence of alcohol, and 5) attend five counseling sessions to address alcohol use and provide written completion of said counseling sessions. The letter of reprimand was issued September 5, 2018. Soyland agreed to the mandates of the reprimand on September 11, 2018.

20. Subsequent to the September 5, 2018, letter of reprimand, Complainant Frederick became aware of another incident involving inappropriate communications between Soyland and Student 2. Student 2 was approximately 16 years old and a junior at MPSD.

21. A precise date of the communications with Student 2 was not provided to the Commission, but the evidence and testimony indicates that the exchange between Soyland and Student 2 occurred in December 2018.

22. The communications between Soyland and Student 2 were initiated after Soyland spent time socializing with friends, ice fishing and having dinner, and having consumed alcoholic beverages to the point of intoxication.

23. The communications were initiated by Soyland at approximately 12:30 a.m. via the social media application SnapChat.

24. The exchange between Soyland and Student 2 included requests from Soyland that Student 2 come over to his home. The exchange also contained comments by Soyland about "making out," "hooking up", and sexual intercourse between Soyland and the student.

25. Soyland also made numerous requests that Student 2 not disclose their communications to anyone, or comments regarding Student 2 telling people and "ruin[ing his] life," indicating that Soyland, despite his intoxicated state, knew such communications were unprofessional and inappropriate and would reflect negatively on him and his employment.

26. Soyland testified that he initiated communications with Student 2 with the intent to have sexual contact or intercourse, as was clearly expressed in the messages.

27. Subsequent to the communications between Soyland and Student 2, Superintendent Frederick was informed of the communications by the MPSD head girls basketball coach.

28. After being informed of the communications, the school district investigated the incident involving Soyland and Student 2. The investigation consisted of meetings with Student 2 and Student 2's parents, and meetings with Soyland.

29. During the investigation, Soyland disclosed to Superintendent Frederick that, in addition to the December 2018/January 2019 incident with Student 2, an incident with Student 2 also occurred in July 2018.

30. Soyland stated that that the July 2018 incident involved him calling Student 2 to ask for a ride to his home from a bar in Mobridge. Student 2 did pick up Soyland. On the way to his home from the bar, Student 2 and Soyland stopped in Student 2's car and had physical contact in the form of kissing.

31. Soyland admitted to kissing Student 2 to Superintendent Frederick and testified to that fact at the hearing. Student 2, when asked by Superintendent Frederick whether the contact occurred, denied that the kissing had taken place.

32. In light of the physical contact of kissing between Soyland and Student 2, Superintendent Frederick turned the information over to the school's legal counsel and the State's Attorney. At the time of the hearing, Superintendent Frederick was not aware of the initiation of legal proceedings against Soyland regarding the report.

33. After the December 2018 communications with Student 2 and subsequent investigation, Soyland resigned from MPSD. The school board accepted the resignation and directed Superintendent Frederick to file a complaint with the Commission.

34. Students 1 and 2 were, at all times relevant to the complaint, enrolled students of MPSD. Students 1 and 2 were enrolled in classes taught by Soyland and/or participated in extracurricular activities overseen by Soyland. As such, Soyland was in a position of authority and influence over Students 1 and 2.

35. The relationships between Soyland and Students 1 and 2, including social media communications on Instagram and SnapChat that were of a sexual nature and the physical contact of kissing, constitute inappropriate, unprofessional, and exploitative relationships between a teacher and a student.

36. Soyland's inappropriate, unprofessional, and exploitative relationships with Students 1 and 2 demonstrate a significant lack of judgment as to what constitutes appropriate boundaries between students and teachers.

37. Soyland's lack of judgment as to what constitutes appropriate boundaries between students and teachers created an environment detrimental to students' learning and physical and emotional well-being.

38. Soyland's inappropriate, unprofessional, and exploitative relationships with Students 1 and 2 subjected students to unwarranted harassment.

39. Soyland's communications with Student 1 and communications and physical contact with Student 2 constitute inappropriate sexual activity, which includes illicit sexual communication.

40. Soyland's inappropriate communications and relationships with Students 1 and 2 constitute moral turpitude.

49. Clear and convincing evidences exists that Soyland violated ARSD 24:08:03:01(7), (9), and (10) and 24:08:03:02(8).

50. 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 Soyland as provided for in SDCL 13-43-28.1. The Commission recommends immediate suspension of Soyland's teaching certificate for a period of five years, effective on the date the applicable order is signed by the Secretary of Education. Pursuant to its authority under SDCL 13-43-28 to impose appropriate disciplinary action which is in the best interest of the Commission, the certificate holder, and the public, the Commission further recommends that the following conditions be placed upon Soyland as a part of the order of suspension:

- 1) Respondent shall complete an alcohol evaluation by October 1, 2019, at his own cost, and follow through with any and all recommendations;
- 2) Respondent shall obtain a mental health evaluation by October 1, 2019, addressing the issues as presented in the complaint at respondent's own cost and follow through with any and all recommendations;
- 3) Respondent shall complete a course of continuing education that covers ethical considerations regarding social media use by educators;
- 4) Respondent shall not engage in or become party to any illicit relationships with students;
- 5) Upon completion of any evaluations/exams/courses, Respondent shall provide written proof to the executive secretary of the Professional Teachers Practices and Standards Commission; and
- 6) Respondent shall, at the request of the Commission Chair, personally appear in front of the Commission to address compliance with these terms and conditions.

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 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 Teacher Education and Certification (NASDTEC) clearinghouse and that it remain with the Department's permanent certification file. It is further

ORDERED that the Department may release the Findings of Fact, Conclusions of Law, and Order to the certification office of any state in which the respondent holds or applies for a certificate.

Dated this 15th day of May, 2019.

PROFESSIONAL TEACHERS PRACTICES
AND STANDARDS COMMISSION

By: Mrs. Tammy Jo Schlechter
Mrs. Tammy Jo Schlechter, Chair