

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

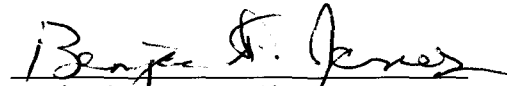
In re: Suspension of the)
Teaching Certificate of)
CHRISTINA A. STARK) **DSE 2020-10**
) **ORDER SUSPENDING**
) **TEACHING CERTIFICATE**

Pursuant to the authority granted to the Secretary of the South Dakota Department of Education by SDCL §§13-43-28.1, 13-42-9, and 13-42-15, following receipt of a Complaint seeking suspension of a certificate from the South Dakota Professional Teachers Practices and Standards Commission, and after review of the entire file herein, the Secretary enters the following ORDER:

1. The Secretary affirms and adopts the Findings of Fact and Conclusions of Law of the Commission. These Findings and Conclusions, attached as Exhibit A, are hereby incorporated into this Order by this reference as if set forth in full.
2. Based upon the foregoing Findings of Fact and Conclusions of Law, and upon the recommendation of the South Dakota Professional Teachers Practices and Standards Commission, the teaching certificate of Christina A. Stark, Certificate #64046, issued on June 20, 2018, is hereby **immediately suspended for a period of four years**.
3. Notification of this suspension will be placed on the NASDTEC registry and be placed in Stark's permanent certification file within the South Dakota Department of Education.
4. The Order and incorporated Findings of Fact and Conclusions of Law are a public record pursuant to SDCL 13-42-17.1.

This constitutes final agency action and may be appealed to circuit court pursuant to SDCL § 13-42-16.

Dated this the 13th of October, 2020.


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

STATE OF SOUTH DAKOTA)	PROFESSIONAL TEACHERS
)	PRACTICES AND STANDARDS
COUNTY OF HUGHES)	COMMISSION
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WAYNE KINDLE, Superintendent, Yankton School District Yankton, South Dakota)	PTPSC 2020-05
)	
Complainant,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
v.)	AND ORDER
)	
CHRISTINA E. STARK,)	
)	
Respondent.)	
)	
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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 July 27-28, 2020 in Library Commons, MacKay Building, 800 Governors Drive, Pierre, South Dakota.

The following members of the South Dakota Professional Teachers Practices and Standards Commission (Commission) were present at the hearing: Valena Baker, David Christian, Joy Robbins, Anne Noyes, Crystal McMachen, Kay Wickard and Paula McMahan. Paul Bachand, counsel for the Commission, and Ferne Haddock, executive secretary of the Commission, were also present. The Complainant was personally present along with attorney Michael F. Marlow. The Respondent was personally present along with attorney Anne Plooster.

Based upon the evidence presented at the hearing, the Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT



1. Respondent Christina Stark ("Stark"), is the holder of a valid South Dakota Teacher's Certificate No.64046, issued on June 20, 2018 and expiring on July 1, 2023.
2. On or about February 28, 2020, Wayne Kindle, Superintendent with the Yankton School District, filed a complaint against Stark with the Commission.
3. The complaint alleged that Stark violated the following sections of the Code of Professional Ethics for teachers:
 - a. ARSD 24:08:03:01(5), which states that in fulfilling their obligations to students, educators shall "[c]onduct professional business in such a way that they do not expose the students to unnecessary intimidation, embarrassment, or disparagement[.]"
 - b. ARSD 24:08:03:01(6), which states that in fulfilling their obligations to students, educators shall "[a]ccord just and equitable treatment to every student, regardless of race, color, creed, sex, sexual preference, age, marital status, handicapping condition, national origin, or ethnic background[.]"
 - c. 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[.]"
4. The complaint alleged that Stark engaged in the following acts constituting violations of ARSD 24:08:03:01(5):
 - a. Scolding a child who had approached for help with blood on his arm, " Get away from me, I don't know where your mom has been";
 - b. Declaring to coworkers that a student "is so [expletive] dumb ... dumber than a box of rocks";

- c. Expressing to coworkers the desire to "throat-punch" a child;
- d. Expressing to coworkers the intent to "target" a child for discipline;
- e. Telling a child to "Tell your parents they need to buy you clothes";
- f. Telling another child, after he had said, "I just wanna go home," "I just wish you would go home too!"
- g. Remarking to a coworker that a child, "should shut her [expletive] pie hole because she was driving [Stark] nuts";
- h. Walking by two children struggling with scissors, in the presence of the children she spelled out "d-u-m-b" and "d-u-m-b-e-r" to a coworker;
- i. Disparaging to coworkers' children unable to speak English, "they shouldn't even [expletive] be here."
- j. Stating to coworkers that, "God should take all" the children of a family who were experiencing difficulties;
- k. Refusing to assist a non-verbal child with his coat "unless he asked";
- l. Refusing to send a child to the restroom "unless she asked," resulting in the child wetting herself;
- m. Mocking a child's crying;
- n. Mocking a child's facial expression in the presence of the child;
- o. Mocking the weight of heavier children;
- p. Making disparaging comments about a child's pull-ups in the presence of the child and refusing to assist the child with the pull-up after the child used the bathroom; and
- q. Making a disparaging comment about the lesbian parents of a child in

meetings and texts.

5. The complaint alleged that Starks engaged in the following acts constituting violations of ARSD 24:08:03:01(6):

- a. Disparaging to coworkers' Hispanic children unable to speak English, "they shouldn't even [expletive] be here."
- b. One parent complained to Ms. Stark in an electronic message about perceived racial bias. Ms. Stark responded by denying any bias. She then copied and pasted the communication exchange to staff members and commented: "I may kill [the Hispanic child's] mom yet!"
- c. Refusing to assist a non-verbal child with his coat "unless he asked"; and
- d. Making a disparaging comment about the lesbian parents of a child in meetings and texts.

6. The complaint alleged that Starks engaged in the following acts constituting violations of ARSD 24:08:03:01(9):

- a. Scolding a child who had approached for help with blood on his arm, "Get away from me, I don't know where your mom has been";
- b. Expressing to coworkers the intent to "target" a child for discipline;
- c. Telling a child to "Tell your parents they need to buy you clothes";
- d. Telling another child, after he had said, "I just wanna go home," "I just wish you would go home too!"
- e. Walking by two children struggling with scissors, in the presence of the children she spelled out "d-u-m-b" and "d-u-m-b-e-r" to a coworker;
- f. Refusing to assist a non-verbal child with his coat "unless he asked";

- g. Refusing to send a child to the restroom "unless she asked," resulting in the child wetting herself;
 - h. Mocking a child's crying;
 - i. Mocking a child's facial expression in the presence of the child;
 - j. Mocking the weight of heavier children; and
 - k. Making disparaging comments about a child's pull-ups in the presence of the child and refusing to assist the child with the pull-up after the child used the bathroom.
7. The complaint was served on Stark on or about March 3, 2020.
 8. Stark, through her attorney, responded to the complaint on or about April 16, 2020.
 9. A due and proper Amended Notice of Hearing was served on the parties.
 10. The hearing proceeded as noticed on July 27-28, 2020.
 11. At the time of the incidents alleged in the complaint, Stark was employed by the Yankton School District as a preschool teacher at Webster Elementary.
 12. Webster Elementary has four preschool classrooms with approximately 18 students in each classroom.
 13. Students at Webster Elementary have varying socioeconomic status, various religions, varying backgrounds and students not very verbal or students that had English as a second language.
 14. Melanie Ryken ("Ryken") is employed as the Principal at Webster Elementary and has been employed in such capacity for approximately 15 years.
 15. Based upon the totality of the evidence presented at the hearing and the ability of the Commission to observe the testimony of Ryken, the Commission finds Ryken's

testimony credible.

16. Lydia Wentworth ("Wentworth") teaches preschool at Webster Elementary and has taught preschool for three years.
17. Wentworth's classroom is located next to Stark's classroom. Their classrooms are connected with a movable divider between them.
18. Both Wentworth and Stark were in and out of each other's rooms often.
19. Wentworth was able to observe Stark interact with Stark's students.
20. Based upon the totality of the evidence presented at the hearing and the ability of the Commission to observe the testimony of Wentworth, the Commission finds Wentworth's testimony credible.
21. Barb Slattery ("Slattery") is a paraprofessional at Webster Elementary and is currently in her 6th year as a paraprofessional.
22. Slattery worked with Stark in Stark's classroom as Stark's paraprofessional during the time Stark was employed at Webster Elementary.
23. Based upon the totality of the evidence presented at the hearing and the ability of the Commission to observe the testimony of Slattery, the Commission finds Slattery's testimony credible.
24. Melissa Cuka ("Cuka") is a preschool teacher at Webster Elementary and has been a preschool teacher for two years.
25. Cuka and her family socialized with Stark's family.
26. Stark was Cuka's mentor teacher.
27. Stark taught Cuka's son.
28. Based upon the totality of the evidence presented at the hearing and the ability of the

Commission to observe the testimony of Cuka, the Commission finds Cuka's testimony credible.

29. During the summer before the 2018-2019 school year, Slattery met with Ryken and asked if she could be put in another classroom because of the negativity in Stark's classroom environment. Although Slattery was offered the opportunity to work in another room, Slattery chose to stay in the preschool classroom with Stark.
30. Prior to the 2019-2020 school year, Slattery again met with Ryken in order to bring some specific items to Ryken's attention that bothered Slattery the previous year. Slattery, the paraprofessional for Stark, met with Ryken and informed her of a couple specific incidents regarding two students.
31. Slattery relayed information about Stark talking about "throat punching" a student.
32. Slattery relayed information about Stark's comments to a student who had approached for help with blood on his arm and stark indicated "Get away from me, I don't know where your mom has been".
33. Based upon the information provided by Slattery, Ryken met with both Stark and Slattery. During this meeting and in order to make it appear that Slattery was not the person providing her with the information regarding Stark, Ryken indicated that she heard from people in the community about some things that had been said to the children that may have been inappropriate.
34. In approximately October or November 2019, Wentworth and Cuka met with Faydra Christianson as a result of their concerns about Stark.
35. In November 2019, prior to Thanksgiving, Wentworth and Cuka met with Ryken wherein they discussed concerns with Stark. Wentworth and Cuka disclosed to Ryken

certain matters regarding Stark including the mistreatment of students with special needs, students from lower socioeconomic backgrounds, students whose parents were homosexuals and students who did not speak English as a first language.

36. Ryken requested that Wentworth and Cuka fill out a document regarding what they witnessed with Stark.
37. After examining the information provided by Cuka, Wentworth and Slattery, Ryken, Dr. Kindle and counsel for the school district met with Stark and Stark's legal representative. At that time, Stark was placed on paid administrative leave.
38. The Yankton School District conducted an investigation into the allegations raised by Wentworth, Cuka and Slattery.
39. Stark was later given an opportunity to resign her position and she ultimately resigned her position with the Yankton School District.

- [REDACTED]
40. Stark, on multiple situations, stated that [REDACTED] was "So f-ing dumb, dumber than a box of rocks."
 41. [REDACTED] was 4 or 5 years old at the time.
 42. On one occasion, when [REDACTED] mom was picking her up Stark stated "Well, the apple doesn't fall far from the tree, neither of them are very smart."
 43. Stark mocked [REDACTED] facial expression.
 44. One day when Slattery was leaving to go home and Mrs. Stark and Mrs. Shudak were waiting with the kids who needed to be picked up, Mrs. Stark looked over to Slattery at her car and said, "Hey, Slattery, who am I?" Slattery described the face Stark made and Slattery responded to Stark and said, "You're not right."

[REDACTED]

45. Stark engaged in targeting behavior with [REDACTED]. Stark made [REDACTED] stay in from recess if he had difficulties doing worksheets.

46. On one occasion when [REDACTED] had his head on his desk and [REDACTED] was wanting to go home, Stark, in a loud and stern voice stated: "I wish you would go home."

47. Stark on an occasion indicated, regarding [REDACTED] that she was going to "kill that f-ing kid."

[REDACTED]

48. [REDACTED] is a mute Hispanic special education student.

49. Stark mocked [REDACTED] about his weight. Every time when [REDACTED] would eat a snack, Stark would like make fun of the way he would just shovel the food in his mouth really fast or how he would always ask for seconds.

50. Stark refused to assist [REDACTED] with his coat unless he asked, not taking into consideration that [REDACTED] was non-verbal.

[REDACTED]

51. [REDACTED] is a non-English speaking student.

52. Stark made comments that [REDACTED] and her parents "shouldn't even f-ing be here" because they couldn't speak English.

53. Stark refused to allow [REDACTED] to use the bathroom unless she asked with resulted in [REDACTED] wetting herself.

54. [REDACTED] wore a diaper to school most days and [REDACTED] diaper got so full it leaked on her pants.

55. The [REDACTED] family encountered terrible tragedy in their family due to the loss of a child and a miscarriage.

56. At one point, Stark commented that "God should take them all."

57. The only reasonable interpretation of Stark's comments is that she hoped the other [REDACTED] children would die.

Lesbian Parents

58. In a text exchange with other teachers, on November 12, 2019 during the school day, Stark texted: "Get a new student tomorrow. Lesbian moms."

59. Stark later, during a text exchange on November 12, 2019 sent a photo of two women whereby one woman was kissing the other woman's neck with the follow word captions: "Ashley, you know I'm straight!" And the response: "So is spaghetti, until it gets wet!"

60. Stark made comments that since they had to send letters home in Spanish, do we send letters home in lesbian.

Additional Incidents

61. Stark made a comment about throat-punching a student named [REDACTED]

62. Stark later made a comment about [REDACTED] and [REDACTED] being "gay buddies" when they got older.

63. Stark also targeted [REDACTED] for disciplinary reasons.

64. Stark made comments regarding that [REDACTED] should "Shut her f-ing pie hole."

65. Stark made comments about other students "shutting their f-ing pie hole" and that they were driving her nuts.

66. When around [REDACTED] and [REDACTED] Stark spelled out "d-u-m-b and d-u-m-b-

- e-r" in the presence of the two children when they were struggling with using scissors.
67. Stark made comments in a disparaging way to students that their parents needed to buy them clothes.
68. Towards the end of the 2018 school year, [REDACTED] approached Stark with blood on his arm and Stark stated: "Ge away from me, I don't know where your mom has been."
69. Cuka responded "Stark" and she stated "What? He doesn't know what I'm saying."
70. Stark would get frustrated with [REDACTED] at recess.
71. On or about September 9, 2019 a parent complained to Stark in an electronic message, about perceived racial bias. Stark responded by denying any bias. She then copied and pasted the communication exchange to staff members and commented: "I may kill [the Hispanic child's] mom yet!"
72. In another electronic message to other teachers, Stark indicated, "I think it's that hussy that brings [REDACTED]"
73. For virtually all the allegations as provided in the Complaint and as testified to by Cuka, Slattery and Wentworth, Stark either attempted to provide a different version of the facts or denied that the event occurred.
74. Stark denied every using the word "f-ing" or any version of that word.
75. The Commission, having the opportunity to observe Stark finds that she testified falsely to the Commission.
76. The Commission finds the testimony of Ryken, Cuka, Slattery and Wentworth credible and truthful.
77. The Commission finds that based upon the evidence presented to the Commission that Stark engaged in the specific acts as alleged in the Complaint.

78. Stark scolded a child who had approached for help with blood on his arm by stating:
"Get away from me, I don't know where your mom has been".
79. Stark declared to coworkers that a student "is so [expletive] dumb ... dumber than a box of rocks".
80. Stark expressed to coworkers the desire to "throat-punch" a child.
81. Stark expressed to coworkers the intent to "target" a child for discipline.
82. Stark told a child to "Tell your parents they need to buy you clothes"
83. Stark told a child, after he had said, "I just wanna go home," "I just wish you would go home too!"
84. Stark remarked to a coworker that a child, "should shut her [expletive] pie hole because she was driving [Stark] nuts".
85. Stark, while walking by two children struggling with scissors, in the presence of the children she spelled out "d-u-m-b" and "d-u-m-b-e-r" to a coworker.
86. Stark made disparaging remarks to coworkers about children unable to speak English by stating: "they shouldn't even [expletive] be here."
87. Stark told coworkers that, "God should take all" the children of a family who were experiencing difficulties.
88. Stark refused to assist a non-verbal child with his coat "unless he asked".
89. Stark refused to send a child to the restroom "unless she asked," resulting in the child wetting herself.
90. Stark mocked a child's crying.
91. Stark mocked a child's facial expression in the presence of the child.
92. Stark mocked the weight of heavier children.

93. Stark made disparaging comments about a child's pull-ups in the presence of the child and refused to assist the child with the pull-up after the child used the bathroom.
94. Stark made a disparaging comment about the lesbian parents of a child in meetings and texts.
95. After a parent complained to Stark in an electronic message, about perceived racial bias. Stark responded by denying any bias. She then copied and pasted the communication exchange to staff members and commented: "I may kill [the Hispanic child's] mom yet!"
96. 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

97. 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.
98. The burden of proof in this matter as a contested case hearing is clear and convincing. *In re: Setliff*, 2002 SD 58, 245 N.W.2d 601, 605.
99. The South Dakota Code of Professional Ethics for Teachers as provides at ARSD 24:08:03:01 that in that fulfilling their obligations to students, educators shall act as follows:
- (5) Conduct professional business in such a way that they do not expose the students to unnecessary intimidation, embarrassment, or disparagement.
 - (6) Accord just and equitable treatment to every student, regardless of race, color,

creed, sex, sexual preference, age, marital status, handicapping condition, national origin, or ethnic background.

(9) Maintain professional relationships with students in a manner which is free of vindictiveness, recrimination, and harassment.

100. Clear and convincing evidence exists that Stark violated ARSD 24:08:03:01(5), (6) and (9).

101. 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 Stark for a period of four years provided for in SDCL 13-43-28.1. 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 8th day of September, 2020.

PROFESSIONAL TEACHERS PRACTICES
AND STANDARDS COMMISSION

By: Paula McMahan
Mrs. Paula McMahan, Chair

