

STATE OF SOUTH DAKOTA	)	DIVISION OF THE SECRETARY
	)	
COUNTY OF HUGHES	)	SOUTH DAKOTA DEP. OF ED.
	)	
In re: Revocation of the	)	DSE 2023-02
Educator Certificate of	)	ORDER REVOKING
GAYLE JOYCE CADY	)	EDUCATOR CERTIFICATE

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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 the receipt of a Complaint seeking revocation of a certificate from the South Dakota Professional Administrators 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 Professional Administrators Practices and Standards Commission (“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. The Commission found clear and convincing evidence Cady violated multiple provisions of the South Dakota Code of Professional Ethics for Administrators (*Conclusions of Law #36*) and the Professional Ethics for Teachers (*Conclusions of Law #38, 40*):
  - a. Code of Professional Ethics for Administrators:
    - i. ARSD 24:11:03:01(1)
    - ii. ARSD 24:11:03:01(2)
    - iii. ARSD 24:11:03:01(3)
    - iv. ARSD 24:11:03:01(7)
    - v. ARSD 24:11:03:01(9)
  - b. Code of Professional Ethics for Teachers:
    - i. ARSD 24:08:03:02(8)
    - ii. ARSD 24:08:03:02(9)
    - iii. ARSD 24:08:03:03(13)
3. Cady failed to respond to the original written complaint and failed to appear at the December 5, 2022, hearing on this matter after receiving proper notice. Cady’s failure to appear acts as a default and an admission of the allegations contained within the complaint. *Conclusions of Law #34*.
4. Based upon the foregoing Findings of Fact and Conclusions of Law, the teaching certificate of Gayle Joyce Cady, Certificate #45589, issued on or about August 24, 2021, is hereby **immediately and permanently revoked**.
5. The Secretary finds Cady violated each aforementioned provision when Cady failed to

appear at the December 5, 2022, hearing on the complaint.

6. Notification of this revocation will be placed on the NASDTEC registry and be placed in Cady's permanent certification file within the South Dakota Department of Education.
7. The Order and incorporated Findings of Fact and Conclusions of Law are 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 20th of January, 2023.



Dr. Joseph Graves  
Secretary  
Department of Education  
800 Governors Drive  
Pierre, SD 57501

STATE OF SOUTH DAKOTA )  
 ) SS  
COUNTY OF HUGHES )

SOUTH DAKOTA PROFESSIONAL  
ADMINISTRATORS PRACTICES AND  
STANDARDS COMMISSION

KATHRYN BLAHA, Director )  
Office of Educator Certification )  
S.D. Dept. of Education, )

Case No. PAPSC 2022-06

Complainant,

vs.

GAYLE JOYCE CADY

Respondent.

)  
) **FINDINGS OF FACT**  
) **CONCLUSIONS OF LAW AND**  
) **ORDER**

This matter came on for hearing pursuant to the provisions of SDCL §§ 13-43-48 and 13-43-49 before the South Dakota Professional Administrators Practices and Standards Commission. A hearing was held on December 5, 2022, at Conference Room 1, MacKay Building, 800 Governors Drive, Pierre, South Dakota.

The following members of the South Dakota Professional Administrators Practices and Standards Commission (Commission) were present at the hearing: Peter Books, Erin Brenden, Linda Heerde, Chantal Lightenberg, Darla Mayer, Daniel Martin and Samantha Walder. Paul Bachand, counsel for the Commission, and Ferne Haddock, executive secretary of the Commission, were also present. The Complainant was personally present via Kathryn Reidy, along with attorney Amanda LaCroix. The Respondent failed to appear.

Based upon the evidence presented at the hearing, documents contained in the official file, and the Respondent's failure to appear, the Commission makes the following Findings of Fact and Conclusions of Law:

#### FINDINGS OF FACT

1. On or about August 24, 2021, Respondent Gayle Joyce Cady ("Cady") was issued



South Dakota Educator Certificate number 45589. The certificate is valid until July 1, 2026.

2. On or about August 11, 2022, Kathryn Blaha ("Blaha") Director, Accreditation and Certification, South Dakota Department of Education, filed a complaint against Cady with the Commission.
3. The complaint alleged that Cady violated the following sections of the Code of Professional Ethics for Administrators:
  - a. ARSD 24:11:03:01(1) Make the well-being of the students the basis of decision making and action;
  - b. ARSD 24:11:03:01(2) Enforce and obey local, state, and national rules and laws in the performance of duties;
  - c. ARSD 24:11:03:01(3) Exemplify high moral standards by not engaging in or becoming a party to such activities as fraud, embezzlement, deceit, moral turpitude, gross immorality, illegal drugs, or use of misleading or false statements;
  - d. ARSD 24:11:03:01(7) Fulfill professional responsibilities with honesty and integrity;
  - e. ARSD 24:11:03:01(9) Safeguard Confidential information;
4. The complaint alleged that Cady violated the following sections of the Code of Professional Ethics for Teachers (obligations to the public):
  - a. ARSD 24:08:03:02 (8) Exemplify 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 use of misleading or false statements.

b. ARSD 24:08:03:02 (9) Not misuse or abuse school equipment or property.

5. The complaint alleged that Cady violated the following sections of the Code of Professional Ethics for Teachers (obligations to the profession):

a. ARSD 24:08:03:03 (13) Perform duties in accordance with local, state, and federal rules and laws.

6. The complaint was served on Cady on or about August 18, 2022.

7. Cady failed to provide a written response to the Complaint.

8. A due and proper Notice of Hearing was served on the parties setting a hearing on the Complaint for December 5, 2022.

9. A hearing on this matter was held on December 5, 2022.

10. Cady failed to appear at the scheduled hearing.

11. Cady's failure to appear at the hearing acts as a default and admission of the allegations as provided for in the Complaint.

12. Cady has been certified in South Dakota since 2009.

13. Cady was employed by the White River School District as their special education director, a special education teacher, and their elementary principal from 2016 through 2022.

14. On or about November 17, 2020, the Department was conducting the regular 5-year special education review of the White River School District.

15. Cady was part of the review as the Special Education Director for the District.

16. During the review, the team noted the following concerns regarding Cady:

a. While during an "in-person" file review it was discovered the student file

was missing a Parent Prior Written Notice (PPWN). Cady opened her computer and created a document by changing dates from a previous PPWN and submitted it to the reviewer.

- b. One of the Special Education teachers raised a concern about Cady handling files as “she loses things.”
- c. Cady would transport files between White River and Norris on a regular basis, during the review when a document was missing from a student’s file, Cady responded that she thought “it might be in her car, but I lock it.”

17. Cady did not provide any explanation of her actions of creating the PPWN to the special education review team.
18. During the special education review team meeting, when it was noted that a document was specifically missing, Cady indicated that it must be in the back seat of her car.
19. The review team walked out with Cady to her car and her car was unlocked.
20. Student’s names on files were able to be identified through the windows of Cady’s car.
21. The Department contacted then Superintendent Tom Cameron of concerns relating to Cady. Superintendent Cameron provided that the district would take formal action against Cady.
22. Based upon the limited documentation provided by the District, it does not appear that Cady was ever disciplined.
23. The White River School District board minutes indicate that Cady resigned at the end of the 2021-2022 school year.

24. A failure to provide written notice, prior to a change in special education services is a violation of procedural safeguards established under the Individuals with Disabilities Act, 20 U.S.C. 1415, which is restated in ARSD 24:05:30:04.
25. Each School District in South Dakota is required to protect the confidentiality of personally identifiable information of students as provided for in ARSD 24:05:29:14.
26. Cady failed to make the well-being of students the basis of her decision making and action.
27. Cady failed to perform her duties in accordance with state and federal rules and laws.
28. By creating a PPWN after the fact and submitting the document during the Department's review, Cady engaged in fraud, deceit, moral turpitude, and use of false or misleading statements.
29. Cady failed to fulfill her professional responsibilities with honesty and integrity.
30. By keeping confidential student records in her vehicle, Cady failed to safeguard confidential information.
31. By failing to safeguard confidential student information, Cady misused school property.

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:

24:08:03:02 that in fulfilling their obligations to the public, educators shall act as follows:

(8) Exemplify 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 use of misleading or false statements.

(9) Not misuse or abuse school equipment or property.

38. Clear and convincing evidence exists that Cady violated ARSD 24:08:03:02(8) and (9).

39. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 24:08:03:03 that in fulfilling their obligations to the profession, educators shall act as follows:

(13) Perform duties in accordance with local, state, and federal rules and laws.

40. Clear and convincing evidence exists that Cady violated ARSD 24:08:03:03(13).

41. 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 revoke the teaching South Dakota Educator Certificate of Gayle Joyce Cady as provided for in SDCL 13-42-9. 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 remains with the Department's permanent certification  
file. 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 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 10 day of January 2023.

PROFESSIONAL ADMINISTRATORS PRACTICES  
AND STANDARDS COMMISSION

By:   
Dr. Samantha Walder