

STATE OF SOUTH DAKOTA)	DIVISION OF THE SECRETARY
)	
COUNTY OF HUGHES)	SOUTH DAKOTA DEP. OF ED.
)	
In re: Revocation of the)	DSE 2023-04
Teaching Certificate of)	AMENDED ORDER REVOKING
RYAN SCOTT BRUNS)	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 the receipt of a Complaint seeking suspension of a certificate for a period of three years 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 Bruns violated several provisions of the South Dakota Code of Professional Ethics for Administrators—ARSD 24:11:03:01(1), (3), (4), (7), and (8). The Commission did not find clear and convincing evidence for the other violations alleged in the complaint—ARSD 24:11:03:01(6), (9), (10), (11), (12) and (13). The Commission requests Bruns' South Dakota Educator Certificate be suspended for a period of three years.
3. Although the Commission recommended Bruns' license be suspended for 3 years, the Secretary finds the conduct disclosed in the Commission's Findings of Fact and Conclusions of Law particularly egregious and immediate revocation is necessary:
 - a. Although the Commission found Bruns moved the school start time to 8:00 AM after consulting with an attorney, the record indicates—by several witness accounts and Bruns' own testimony—that Bruns did so *prior* to consulting legal counsel. Bruns failed to determine whether changing the start time would violate teacher negotiated agreements prior to doing so. *See*, Findings of Fact ##18-19. This Secretary finds this action violated ARSD 24:11:03:01(1) ("Make the well-being of students the basis of decision making and action").
 - b. The Commission found "no evidence" existed Bruns was intoxicated at several professional conferences. Upon examination, Bruns admitted he drank alcohol, became intoxicated, and missed programming due to his condition at these events. *See*, Finding of Fact # 51. The Secretary finds this act constitutes a violation of ARSD 24:11:03:01(3) ("Exemplify high moral standards by not engaging in . . . moral turpitude [and] gross immorality.")
 - c. Bruns admitted he terminated an employee in retaliation for that employee filing a

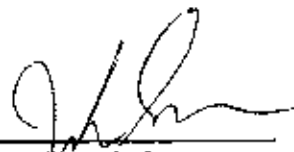
valid complaint against him and admitted he should not have done so. This violates ARSD 24:11:03:01 ("Respect the civil rights of those whom the administrator has contact in the performance of duties") and (8) ("Maintain professional relationships which are free from vindictiveness, willful intimidation, and disparagement").

- d. Bruns admitted his requesting a "write up" for a teacher who complained to the federal Department of Education about him could appear retaliatory. This likewise violates ARSD 24:11:03:01(4) ("Respect the civil rights of those whom the administrator has contact in the performance of duties") and (8) ("Maintain professional relationships which are free from vindictiveness, willful intimidation, and disparagement").
- e. Bruns acknowledged a YouTube video intentionally disparaging two students for not reciting the pledge of allegiance to serve as a "clickbait" lesson regarding negative headlines was a "serious lapse in judgement." Posting this video violated ARSD 24:11:03:01(1) ("Make the well-being of students the basis of decision making and action") and (3) ("Exemplify high moral standards by not engaging in . . . misleading or false statements").

4. Based upon the foregoing Findings of Fact and Conclusions of Law, the teaching certificate of Ryan Scott Bruns, Certificate #62961, issued on September 23, 2020, is hereby **immediately and permanently revoked**.
5. Notification of this revocation will be placed on the NASDTEC registry and be placed in Bruns' permanent certification file within the South Dakota Department of Education.
6. 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 21st of April, 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 Accreditation and Certification)
S.D. Dept. of Education,)
)
Complainant,)
)
vs.)
)
RYAN SCOTT BRUNS)
)
Respondent.)

Case No. PAPSC 2022-13

**FINDINGS OF FACTS
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 February 6, 2023, at the Library Commons, 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: Samantha Walder, Darla Mayer, Chantel Ligtenberg, Erin Brenden, Linda Heerde, Peter Books and Dan Martin. Paul Bachand, counsel for the Commission, and Fern Haddock, executive secretary of the Commission, were also present. The Complainant was personally present along with attorney Amanda LaCroix and attorney Mariah Bloom-McNeece. The Respondent was personally present along with attorney Thomas Cogley.

Based upon the 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. On or about September 23, 2020, Respondent Ryan Scott Bruns ("Bruns") was

issued South Dakota Educator Certificate number 62961. The certificate is valid until July 1, 2025.

2. On or about November 14, 2022, Kathryn Blaha, ("Blaha"), Director, Division of Accreditation and Certification, South Dakota Department of Education, filed a complaint against Bruns with the Commission.
3. The complaint alleged that Bruns 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(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;
 - c. ARSD 24:11:03:01(4) Respect the civil rights of those with whom the administrator has contact in the performance of duties;
 - d. ARSD 24:11:03:01(6) Distinguish personal politics, attitudes, and opinions from stated policies of the appropriate educational governing board;;
 - e. ARSD 24:11:03:01(7) Fulfill professional responsibilities with honesty and integrity;
 - f. ARSD 24:11:03:01(8) Maintain professional relationships which are free from vindictiveness, willful intimidation, and disparagement;
 - g. ARSD 24:11:03:01(9) Safeguard confidential information;
 - h. ARSD 24:11:03:01(10) Not allow professional decisions or actions to be

impaired or influenced by personal gain, gifts, gratuities, favors, and services made or withheld;

- i. ARSD 24:11:03:01(11) Avoid preferential treatment and conflicts of interest; and
- j. ARSD 24:11:03:01(12) Honor all contracts until fulfillment, release, or dissolution by mutual agreement of all parties;
- k. ARSD 24:11:03:01(13) Apply for, accept, offer, or assign a position of responsibility on the basis of professional preparation and legal qualifications;

4. The complaint alleged that Bruns violated the following sections of the Code of Professional Ethics for Teachers:

- a. ARSD 24:08:03:01 (obligations to students):
 - i. (4) Make a reasonable effort to maintain discipline and order in the classroom and the school system to protect the students from conditions harmful to learning, physical and emotional well-being, health, and safety;
 - ii. (5) Conduct professional business in such a way that they do not expose the students to unnecessary intimidation, embarrassment, or disparagement;
 - iii. (9) Maintain professional relationships with students in a manner which is free of vindictiveness, recrimination, and harassment;
- b. ARSD 24:08:03:02 (obligations to the public):
 - i. (1) Take precautions to distinguish between their personal views

and those of the local school district or governing body;

- ii. (2) Not knowingly distort or misrepresent the facts concerning educational matters in direct and indirect public expressions;
- iii. (4) Not exploit the local school district or governing body for public or personal gain;
- iv. (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;

c. ARSD 24:08:03:03 (obligations to the profession):

- i. (3) Discuss professional matters concerning colleagues in a professional manner;
- ii. (5) Adhere to the terms of a contract or appointment unless the contract has been altered without the consent of the affected parties, except as provided by law, legally terminated, or legally voided;
- iii. (8) Not use coercive or threatening means in order to influence professional decisions of colleagues;

- 5. The complaint was served on Bruns on or about November 17, 2022.
- 6. On or about December 21, 2022, Bruns filed a written response to the Complaint.
- 7. A due and proper Notice of Hearing was served on the parties setting a hearing on the Complaint for February 6, 2023.
- 8. A hearing on this matter was held on February 6, 2023.
- 9. Bruns was the Superintendent for the Northwestern School District from

approximately 2014-2022.

10. In June 2022, the Department contacted the Northwestern School District since attendance data had not been submitted to the Department. Shortly thereafter, Principal Richard Osborn of iSucceed Virtual School submitted data.
11. Later the same day, Bruns contacted the Department requesting to see the data that Osborn had submitted. The Department provided a copy to Bruns and Bruns responded that the information was false.
12. Bruns completed Northwestern School District's end of year signoff on June 9, 2022, affirming that he completed all the tasks listed including reporting data for his school district.
13. The Department indicated that it reviewed the data submitted by Osborn to the extent possible and concluded that it was appropriate.
14. Having considered the information provided by Bruns, it appears that Bruns had a valid basis to question the information submitted by Osborn.
15. Bruns was hired by the Langford School District to serve as their superintendent beginning on March 1, 2022.
16. Prior to the beginning of the 2022/2023 school year Bruns revised the time in which teachers needed to be at school for the commencement of the school day from 8:15 to 8:00.
17. This start time was later changed back to 8:15 at the direction of the principal, Mary Hosford ("Hosford"), during a period of time in which Bruns was on a leave of absence.
18. Bruns moving the start time to 8:00 was done after he consulted with the attorney for

the school district.

19. Bruns did not violate the negotiated agreement or any school policy when he moved the start time for teachers to 8:00.
20. On September 1, 2022, during an after-school volleyball game, Bruns approached a young female because he considered that the girl was wearing an inappropriate top.
21. Desiree Craig ("Craig"), a paraprofessional at the Langford School, approached Bruns and asked him about his conversation with the young girl and asked whether he had sent her home.
22. Craig had previously given the young girl a ride to the volleyball game.
23. Bruns' tone in speaking with Craig was abrasive and defensive.
24. Bruns believed that Craig should not have confronted him regarding his conversation with the young girl.
25. Since Craig had transported the young girl to the volleyball game, it was reasonable for Craig to visit with Bruns regarding Bruns' conversation with the young girl.
26. The young girl's parents later confronted Bruns at the volleyball game and the police had to be called based upon their interactions.
27. Later that evening, Bruns met with Principal Hosford and told Hosford that Craig would be terminated and that he wanted Hosford to reach out to Craig to set up a meeting for the next day.
28. Bruns informed Hosford that since Craig had ruined his night, he wanted to ruin hers.
29. Bruns terminated Craig's employment on September 2, 2022.
30. Bruns' action in terminating Craig was retaliatory and Bruns admitted to the

commission that he should not have terminated Craig.

31. On September 12, 2022, the Langford School Board held a hearing on a formal complaint regarding the termination of Craig and the treatment of the young girl.
32. The school board determined that Bruns violated the school's bullying policy in regard to the young girl.
33. The school board reinstated Craig's employment.
34. Due to Bruns' actions, he was provided a letter of reprimand and placed on a plan of improvement.
35. On or about September 26, 2022, Bruns posted a student video on his personal Facebook page with the caption "When you don't respect the American Flag..." The student video contained the daily school announcements that had no mention of the flag.
36. The video was not intended for any public release. It was to be played in the classrooms because students were having trouble hearing the morning announcements on the school's phone system.
37. The students were embarrassed and Bruns ultimately removed the post.
38. Brun's actions in posting the video with the caption indicating that the students did not respect the American flag disparaged the students.
39. On September 29, 2022, Bruns was hospitalized as a result of some mental health issues.
40. As a result of a special board meeting that was scheduled for October 3, 2022, Bruns left the hospital so he could attend the special board meeting because he thought his job was on the line.

41. On October 4, 2022, Bruns returned to the hospital where he remained until October 10, 2022.
42. Bruns' mental health issues are related to his military service and at the time of the hearing, Bruns has been receiving treatment for his condition.
43. Some of Brun's inability to appropriately and professionally address situations confronted while a superintendent may be attributed to service-related mental health matters.
44. While at Langford, Bruns was employed as the athletic director and special education director.
45. Bruns, upon agreement with the district resigned as the athletic director.
46. The President of the Langford School Board, Jennifer Gustafson (Gustafson) provided testimony regarding Bruns failing to fulfill his duties as the athletic director.
47. Bruns purported failure to fulfill all responsibilities as the athletic director do not constitute a violation of the code of ethics.
48. Gustafson provided testimony regarding Bruns use of the school's credit cards.
49. No evidence was presented that Bruns misused any school funds and Bruns' use of the credit cards do not constitute a violation of the code of ethics.
50. Gustafson provided testimony regarding allegations that Bruns may have been intoxicated during parent-teacher conferences and the school carnival.
51. No evidence was presented to the Commission that Bruns was intoxicated at these two functions.
52. Gustafson provided testimony regarding Bruns' participation in the Premier Online

Academy indicating that Bruns had to add days to the calendar.

53. The Commission finds no violations of the code of ethics relating to Bruns involvement in the Premier Online Academy.
54. On or about November 21, 2022, Bruns discovered that an educator had been talking to the South Dakota Department of Education.
55. As a result of that discovery, Bruns requested that Hosford "write up" that individual.
56. Hosford did not "write up" the individual.
57. Bruns had no evidence that it was in fact the educator that he wanted written up talking with the South Dakota Department of Education. Bruns simply speculated that it was that person.
58. Bruns actions in this regard were retaliatory in that he requested that official action be taken against an educator who may have been cooperating with the South Dakota Department of Education when the Department was examining Bruns' actions.
59. At the time of the hearing, Bruns was still employed by the Langford School District. The Langford School District is not renewing Bruns contract for the 2023/2024 school year.
60. Bruns attended the School Administrators of South Dakota "Wild West" conference in Deadwood in June 2022.
61. Bruns attended the South Dakota Superintendents Association conference in Chamberlain in July 2021.
62. During these conferences Bruns consumed alcoholic beverages and became intoxicated.

63. During the July 2021 conference, Bruns became intoxicated and had a verbal altercation with another individual present at the conference.
64. During the June 2022 conference, Bruns became intoxicated and had a verbal confrontation with another individual present at the conference.
65. The totality of the evidence presented at the hearing demonstrates that Bruns violated the following subsections of the Code of Ethics for Administrators found in ARSD 24:11:03:01:
66. The Commission notes for the parties that it is apparent that certain issues relating to the relationship between Bruns and the school board may be attributed to the failure of the board president to separate her ability to function in the school as an occupational therapist versus her role as the school board president.
67. The Commission further notes for the parties that although the Commission fails to find a violation of the code of ethics regarding the Premier Online Academy, wherein instructors are being paid and school district obtains money as a result of the academy, the Langford School District and its board should review the Premier Online Academy and payments to the District to ensure that activity complies with the law.
68. 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

69. The Commission has jurisdiction over this matter pursuant to SDCL §§ 13-43-48

and 13-43-49, SDCL Ch. 1-26, and the Administrative Rules of South Dakota, chapters 24:11:03 and 24:11:04.

70. 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.
71. SDCL 13-43-16 provides in part: For the purpose of §§ 13-43-16 to 13-43-28.1, inclusive, the teaching profession includes each person certificated by the secretary as a teacher, administrator, and other educational professional, as defined by § 13-42-1, employed by a public school or other accredited school.
72. SDCL 13-43-25 provides in part: The Professional Teachers Practices and Standards Commission shall promulgate rules pursuant to chapter 1-26, to carry out the provisions of §§ 13-43-16 to 13-43-28.1, inclusive.
73. To the extent that an allegation is made that an administrator has violated the code of ethics as established by SDCL 13-43-25, that allegations must be made to the Professional Teachers Practices and Standards Commission.
74. The Professional Administrators Practices and Standards Commission lacks statutory authority to make any findings or conclusions as to whether an administrator violated the code of ethics established under SDCL 13-43-25.
75. 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

to such activities as fraud, embezzlement, deceit, moral turpitude, gross immorality, illegal drugs, or use of misleading or false statements;

(4) Respect the civil rights of those with whom the administrator has contact in the performance of duties;

(7) Fulfill professional responsibilities with honesty and integrity;

(8) Maintain professional relationships which are free from vindictiveness, willful intimidation, and disparagement;

performance of duties; and

76. Clear and convincing evidence exists that Bruns violated ARSD 24:11:03:01(1), (3), (4), (7) and (8).

77. Clear and convincing evidence does not exist that Bruns violated ARSD 24:11:03:01(6), (9), (10), (11), (12) and (13).

78. 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 educator certificate of Bruns as provided for in SDCL § 13-43-49. The Commission recommends a suspension for a period of three years. It is further

ORDERED that pursuant to SDCL 13-43-48, that within 90 days of the Order by the Secretary that Bruns obtain a drug and alcohol assessment and provide proof thereof to the Secretary and Commission. It is further

ORDERED that pursuant to SDCL 13-43-48, that Bruns comply with any and all

recommendations as contained in the drug and alcohol assessment and provide proof of such compliance with the Secretary and Commission. It is further

ORDERED that pursuant to SDCL 13-43-48, that within 90 days of the Order by the Secretary that Bruns obtain a psychological evaluation in order to determine the severity of any mental health matters and to specifically determine his capacity for functioning as an educator in South Dakota. Bruns shall follow any recommendations as contained in the evaluation and provide proof of such compliance with the Secretary and Commission. It is further

ORDERED that pursuant to SDCL 13-43-48, that within 180 days of the Order by the Secretary that Bruns complete an anger management class and provide proof of such compliance with the Secretary and Commission. It is further

ORDERED that prior to any request for recertification, that Bruns provide proof to the Accreditation and Certification office of the South Dakota Department of Education of Bruns' compliance with the above conditions. It is further

ORDERED that should Bruns be allowed to obtain an educator's certificate at the conclusion of any period of suspension, that Bruns obtain a professional mentor within the teaching profession, inform the Commission of the mentor's identity, obtain the approval of the commission of the proposed mentor, and maintain a mentor/mentee relationship with that person for a period of two years for the purpose of professional development and guidance. It is further

ORDERED that should Bruns be allowed to obtain an educator's certificate at the conclusion of any period of suspension that Bruns be required to submit to the Department and the Commission and updated psychological report demonstrating his capacity to function as an educator. 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 Findings of Fact, Conclusions of Law, and Order 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 14 day of March, 2023.

PROFESSIONAL ADMINISTRATORS PRACTICES
AND STANDARDS COMMISSION

By: Dr. Samantha D. Walder
Dr. Samantha Walder, Chair