

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

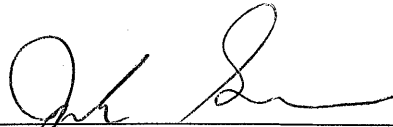
In re: Certification Application of)
RUBENIA FRANCO) DSE 2023-12
) ORDER DENYING
) EDUCATOR CERTIFICATE

In accordance with and pursuant to the authority granted to the Secretary by SDCL § 13-42-4, 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 Educator Certificate as true and enters the attached Findings of Fact and Conclusions of Law.
2. The application of Rubenia Franco for an educator certificate is DENIED.
3. Rubenia Franco is prohibited from reapplication for an educator certificate in the State of South Dakota until completion of an educator preparation program or for one-year.
4. 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.
5. 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 15th of February, 2024.



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

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

In re: Certification Application of)
RUBENIA FRANCO) DSE 2023-12
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW

Rubenia Franco filed an application for an International Exchange Permit which was activated on June 16, 2023. 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 November 28, 2023, the South Dakota Department of Education Office of Educator Certification (hereinafter “Department”) served a Notice of Intent to Deny Educator Certificate on Rubenia Franco (hereinafter “Franco”) via first-class mail and email. Franco responded to the email on January 3, 2024, confirming she received the Notice. See Exhibit A attached hereto and made a part of this document.
2. The Notice of Intent informed Franco 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 Franco within the 30-day period.
4. Franco lacks the educational requirements for an International Exchange Permit pursuant to ARSD 24:28:09:20, as she does not have a bachelor’s degree.
5. Additionally, Franco failed to upload documentation to indicate she has a valid J1 or H1B visa as required by ARSD 24:28:09:20.

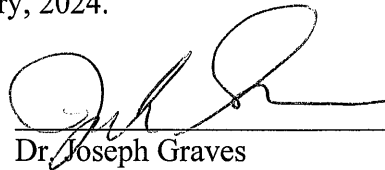
CONCLUSIONS OF LAW

6. Grounds for the denial or non-renewal of an educator certificate are provided in SDCL § 13-42.
7. The Secretary of the Department of Education has the power and authority to refuse to issue or

renew a certificate. SDCL § 13-42-9.

8. Franco's failure to have the educational and visa requirements necessary for certification deem her incompetent and support the Department's intent to deny in violation of SDCL § 13-42-9.
9. Any Conclusion of Law more properly designated as a Finding of Fact is hereby so designated.
10. Franco's application should be denied pursuant to SDCL § 13-42-9.
11. Franco should be prohibited from reapplication for an educator certificate in the State of South Dakota until completion of an educator preparation program or for one-year.

Dated this the 15th of February, 2024.



Dr. Joseph Graves
Secretary, South Dakota Department of Education

Haddock, Ferne

From: Rubenia Franco <noemyfrancosalazar@gmail.com>
Sent: Wednesday, January 3, 2024 11:34 AM
To: Haddock, Ferne
Subject: Re: [EXT] DSE 2023-12-South Dakota Educator certification

To whom it may concern,

I recently received a letter stating the Division of Accreditation and Certification will recommend that my application for a certificate to teach in the state of South Dakota be denied. Although I do not plan to appeal this recommendation, I would like to clarify that this occurred due to my belief that my credentials from Guatemala are the equivalent of a Bachelor's degree.

Additionally, I would like to ask if you could provide greater clarity regarding the letter I received. The letter states that I will "be prohibited from reapplication in the state of South Dakota once completion of an educator preparation program or one year". The wording in the sentence appears to perhaps be written incorrectly. I believe that it is saying that I should not apply again until I have completed an educator preparation program or until a year has passed. Is that accurate?

Rubenia Franco

El El mar, nov 28, 2023 a la(s) 9:23 a.m., Haddock, Ferne <Ferne.Haddock@state.sd.us> escribió:

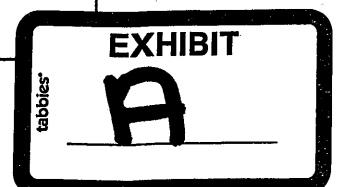
The attached documents are being sent via USPS First-Class Mail and Email.



Ferne Haddock

Legal Assistant

SOUTH DAKOTA DEPARTMENT OF EDUCATION
605-773-3553 | [800 Governors Dr](http://800.GovernorsDr), Pierre, SD 57501



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