


STATE OF SOUTH DAKOTA)	DIVISION OF THE SECRETARY
)	
COUNTY OF HUGHES)	SOUTH DAKOTA DEP. OF ED.
)	
In re: Revocation of the)	DSE 2023-17
Teaching Certificate of)	ORDER REVOKING
PAUL MCLAUGHLIN)	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 revocation 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 Professional Teachers 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 McLaughlin violated the following provisions of the South Dakota Code of Professional Ethics for Teachers— ARSD 24:08:03:01 (7), (9), and (10).
3. Based upon the foregoing Findings of Fact and Conclusions of Law, the teaching certificate of Paul McLaughlin, Certificate #84268, issued on January 25, 2021, is hereby **immediately and permanently revoked**.
4. Notification of this revocation will be placed on the NASDTEC registry and be placed in McLaughlin permanent certification file within the South Dakota Department of Education.
5. 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 18th of October, 2023.



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

with students in a manner which is free of vindictiveness, recrimination, and harassment.

- c. ARSD 24:08:03:01 (10) which provides that in fulfilling their obligation to students, educators shall act as follows: (10) Not engage in or be a party to any sexual activity with students including sexual intercourse, sexual contact, sexual photography or illicit sexual communication.

4. The complaint was properly served upon McLaughlin on May 6, 2023.
5. McLaughlin did not file a response with the Commission.
6. A due and proper Notice of Hearing was served on the parties setting this hearing for September 14, 2023.
7. McLaughlin executed a Waiver of Personal Appearance on September 11, 2023, waiving his right to be personally present at the hearing and appointing his attorney, Ellery Grey, to appear in his place.
8. In the Waiver of Personal Appearance, McLaughlin directed his attorney Ellery Grey to inform the Commission that he has no objection to his teaching certificate being revoked without the need for further hearing or evidence.
9. McLaughlin waived his right to a private hearing, and a public hearing was held on September 14, 2023.
10. McLaughlin was employed by the Newell School District as a fifth-grade teacher.
11. McLaughlin was the high school assistant volleyball coach and the high school head boys' basketball coach.
12. In January of 2023, a student showed the High School Principal a Snapchat message with another student which referred to a relationship between McLaughlin and another high school student ("Student").
13. The administration discovered a letter written from Student to McLaughlin in which Student referred to McLaughlin as Student's husband and expressed Student's love for McLaughlin.
14. McLaughlin had a relationship with a student attending the Newell School District.
15. McLaughlin was Student's coach.
16. The Newell School District referred this matter to the Butte County Sheriff's Office.
17. The Butte County Sheriff's Office and the South Dakota Division of Criminal Investigation investigated this matter and sent reports to the Butte County State's Attorney for review.

18. The Butte County State's Attorney informed the Newell School District's Superintendent that after a thorough investigation, law enforcement determined a sexual relationship existed between McLaughlin and Student.
19. The Butte County State's Attorney determined that it would not have sufficient evidence to establish that the sexual relationship occurred prior to Student turning eighteen years old.
20. Beginning in late 2022 and continuing into 2023, McLaughlin engaged in a sexual relationship with Student.
21. The evidence presented to the Commission and all reasonable inferences therefrom demonstrate that McLaughlin violated ARSD 24:08:03:01 (7), (9), and (10).
22. Any findings 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

23. The Commission has jurisdiction over this matter pursuant to SDCL §§ 13-43-28, 13-43-28.1, SDCL Ch. 1-26, and the Administrative Rules of South Dakota, Chapters 24:08:03 and 24:08:04:01.
24. 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.
25. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 24:08:03:01 that in fulfilling their obligation to students, educators shall act as follows:
 - (7) Maintain professional relationships with students without exploitation of a student for personal gain or advantage.
26. Clear and convincing evidence exists that McLaughlin violated ARSD 24:08:03:01(7).
27. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 24:08:03:01 that in fulfilling their obligation to students, educators shall act as follows:
 - (9) Maintain professional relationships with students in a manner which is free of vindictiveness, recrimination, and harassment.
28. Clear and convincing evidence exists that McLaughlin violated ARSD 24:08:03:01(9).
29. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 24:08:03:01 that in fulfilling their obligation to students, educators shall act as follows:

(10) Not engage in or be a party to any sexual activity with students including sexual intercourse, sexual contact, sexual photography or illicit sexual communication.

30. Any conclusion of law improperly denoted as a finding of fact is hereby incorporated as a conclusion of law.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Commission hereby issues the following Order:

ORDER

ORDERED that this matter be referred to the Secretary of the South Dakota Department of Education for proceedings to permanently revoke the teaching certificate of Paul M. McLaughlin as 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 of Directors of Teacher Education and Certificate (NASDTEC) clearinghouse and that it remains with the Department's permanent certificate 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 certificate office of any state in which respondent holds or applies for a certificate.

Dated this 12th day of October 2023.

PROFESSIONAL TEACHER PRACTICES
AND STANDARDS COMMISSION

By: Joy Robbins
Joy Robbins, Chair