

STATE OF SOUTH DAKOTA)
)
COUNTY OF HUGHES) DIVISION OF THE SECRETARY
) SOUTH DAKOTA DEPT. OF EDUCATION


In re: Certification of)
LARRY TELKAMP) DSE 2024-03
) ORDER REVOKING
) EDUCATOR 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:

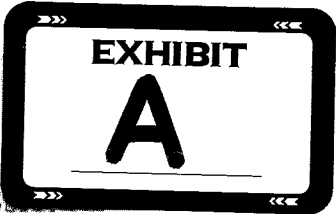
1. The Secretary affirms and adopts the Findings of Fact and Conclusions of Law of the Professional Teachers Practices and Standards Commission (“Commission”). These Findings and Conclusions, attached as Exhibit A, are hereby incorporated into this Order by this reference as if set forth in full.
2. The Commission found clear and convincing evidence Telkamp violated the following provisions of the South Dakota Code of Professional Ethics for Teachers—ARSD 24:08:03:01 (9) and (10), and ARSD 24:08:03:02 (8).
3. Based upon the foregoing Findings of Fact and Conclusions of Law, the teaching certificate of Larry Telkamp, Certificate #73812, issued on June 6, 2023, is hereby **permanently revoked**.
4. The Order and Findings of Fact and Conclusions of Law are a public record pursuant to SDCL § 13-42-17.1.
5. Notification of this revocation is to be placed on the NASDTEC registry and be placed in Telkamp’s permanent certification file within the South Dakota Department of Education.

This constitutes final agency action and may be appealed to circuit court.

Dated this the 26th of April, 2024.



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



STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

SOUTH DAKOTA PROFESSIONAL
TEACHERS PRACTICES AND
STANDARDS COMMISSION

<p>PAULA MCLAEN, TODD MCLAEN, And SARAH MORRELL, Complainants, v. LARRY TELKAMP, Respondent.</p>	<p>PTPSC 2023-14 FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER</p>
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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 public hearing was held on January 31, 2024, in the 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: Chairperson Joy Robbins, Nichole Bowman, Jean Gunderson, and Crystal McMachen. Paul Bachand and Kendra Mulder-Mews, counsel for the Commission, and Ferne Haddock, executive secretary of the Commission were also present. The Complainants were personally present via zoom. The Respondent, Larry Telkamp, waived his right to appear at the hearing.

Based upon the evidence presented at the hearing and the documents contained in the official file, the Commission makes the following Findings of Fact:

FINDINGS OF FACT

1. Respondent, Larry Telkamp (“Telkamp”), is the holder of a valid South Dakota Teacher’s Certificate Number 73812. He was issued the certificate on June 6, 2023, and it is set to expire on July 1, 2028.
2. On or about September 29, 2023, Paul Mclaen, Todd Mclaen, and Sarah Morrell, filed a complaint against Telkamp.
3. The Complaint alleged that Telkamp violated the following section(s) of the Code of Professional Ethics for Teachers:
 - a. ARSD 24:08:03:01 (9) which provides that in fulfilling their obligations to students, educators shall act as follows: (9) maintain professional relationships

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

- b. ARSD 24:08:03:01 (10) which provides that in fulfilling their obligations to students, educators shall act as follows: (10) not engage in or be a party to any sexual activities with students including sexual intercourse, sexual contact, sexual photography or illicit sexual communication.
 - c. ARSD 24:08:03:02 (8) which provides 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.
4. The complaint was properly served upon Telkamp on or about October 1, 2023.
 5. Telkamp filed a response with the Commission on October 17, 2023.
 6. A due and proper Notice of Hearing was served on the parties setting this hearing for January 9, 2024.
 7. A due and proper Amended Notice of Hearing was served on the parties setting this hearing for January 31, 2023.
 8. Telkamp executed a Waiver of Personal Appearance on December 22, 2023, waiving his personal appearance at the hearing.
 9. In the Waiver of Personal Appearance, Telkamp further consented to his Teacher's Certificate being revoked without the need for further hearing or evidence. He acknowledged that the Commission may take evidence at the hearing and would enter findings of fact and conclusions of law.
 10. Telkamp was employed by the Britton Hecla School District as the 5th through 12th grade band instructor, middle school music appreciation teacher, and 4th-5th grade choir teacher.
 11. On May 21, 2023, Telkamp asked a sixteen-year-old female band student (hereinafter Student A) to come into his office. Telkamp shut the door behind Student A and then apologized to her for looking at her cleavage.
 12. This interaction made Student A feel awkward and unsafe to the point that she quit band.
 13. Telkamp was instructed by his supervisor to not have further contact with Student A.

14. On August 17, 2023, Telkamp began yelling Student A's name in the lunch line to get her attention. That same day Student A found Telkamp to be staring at her. Later in the day, he again yelled her name to get her attention.
15. Telkamp sent an email to Student A's mother that afternoon stating "This just may be the stress of the day, but I feel compelled to ask. Is there something with [student's name] I should know about and don't?"
16. Student A's mother sent this message to Telkamp's supervisor. Telkamp's supervisor again advised him not to have contact with Student A or her family.
17. Student A's parents submitted a formal complaint with the school on August 20, 2023, and a formal investigation was completed by the school administration.
18. On August 25, 2023, Britton-Hecla Middle School/High School Principal sent a letter to Complainants after an investigation. The letter states:

"Upon completion of the investigation into the parent complaint filed by Paula McLaen involving Mr. Telkamp, the findings are that Mr. Telkamp did apologize in an environment and using a word that was not appropriate. He also did not follow instructions from his administration."
19. On September 27, 2023, a female band student (hereinafter Student B) informed Telkamp that her rib had been popping out of place and that she believed it was a result of doing flag. She tried to explain to him she had been to the chiropractor, but he kept interrupting her. Telkamp then touched Student B's rib cage from her back working his way to the front directly under Student B's breast.
20. Telkamp subsequently requested Student B go into the band room. She was so uncomfortable she brought another student with her. Upon seeing the other student Telkamp stated "oh you need a bodyguard."
21. This interaction made Student B uncomfortable.
22. On September 28, 2023, a female student (hereinafter Student C) was called into Telkamp's room to take pictures of the band students. He grabbed Student C's shirt collar and bra strap pulling her into his office.
23. On September 28, 2023, a female band student (hereinafter Student D) wished to quit band because Telkamp make her feel uncomfortable because he would go behind her and hold her hands to show her how to play the mallets. She told Telkamp she wished to no longer be in band, and he requested she come to his office.

24. Student D brought a friend to Telkamp's office with her. Telkamp made the friend leave the room and closed the door behind her. This interaction made Student D uncomfortable and scared.
25. Student B, Student C, and Student D are sisters. Their mother filed a formal complaint with the school on October 1, 2023.
26. On October 2, 2023, Telkamp resigned from Britton Hecla School District.
27. The evidence presented to the Commission and all reasonable inferences therefrom demonstrate that Telkamp violated ARSD 24:08:03:01 (9) and (10); and ARSD 24:08:03:02(8).

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

CONCLUSIONS OF LAW

28. 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.
29. 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.
30. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 24:08:03:01 that in fulfilling their obligations to students, educators shall act as follows:
 - (9) Maintain professional relationships with students in a manner which is free of vindictiveness, recrimination, and harassment
31. Clear and convincing evidence exists that Telkamp violated ARSD 24:08:03:01 (9).
32. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 24:08:03:01 that in fulfilling their obligations 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.
33. Clear and convincing evidence exists that Telkamp violated ARSD 24:08:03:01(10).
34. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 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.

35. Clear and convincing evidence exists that Telkamp violated ARSD 24:08:03:02(8).
36. 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 Larry Telkamp 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 March 2024.

PROFESSIONAL TEACHER PRACTICES
AND STANDARDS COMMISSION

By: Joy Robbins
Joy Robbins, Chair