

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

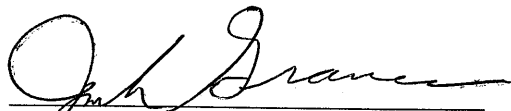
In re: Certification of)
MICHAEL MORRAN) DSE 2024-06
) ORDER SUSPENDING
) EDUCATOR CERTIFICATE

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 suspension 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 Morran violated the following provisions of the South Dakota Code of Professional Ethics for Administrators—ARSD 24:11:03:01 (1), (3), and (7).
3. Based upon the foregoing Findings of Fact and Conclusions of Law, the teaching certificate of Michael Morran, Certificate #46869, issued on August 2, 2023, is hereby **suspended until July 2, 2028**.
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 Morran’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 2nd of July, 2024.



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

- 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; and
 - d. ARSD 24:11:03:01(7) fulfill professional responsibilities with honesty and integrity.
4. Morran failed to file a written response with the Commission.
 5. A due and proper Notice of Hearing was served on the parties setting this hearing for March 20, 2024.
 6. A private hearing was held on March 20, 2024.
 7. Morran has been in education for thirty-three years, and an administrator for nineteen years.
 8. Morran was employed as an elementary principal with the South O'Brien Community School District in Iowa for eight years.
 9. Kathryn Reidy ("Reidy"), Administrator of Accreditation for the Department of Education testified before the Commission that she works closely with the Certification Office, and she is familiar with Morran's file.
 10. Reidy testified before the Commission that the Educator Certification Application ("Application") includes a conduct review section.
 11. Morran completed the Application for a South Dakota administrator certificate on March 23, 2023.
 12. Morran failed to disclose any suspension or revocations in other states or disclose any information concerning his background on the Application including issues that were ongoing with his license in Iowa at the time.
 13. On the Application, Morran answered the question "have you ever been investigated for child abuse or neglect" in the negative.

14. On the Application, Morran answered the question "ever had a license teaching or educational service suspended or revoked" in the negative.
15. On the Application, Morran answered the question "any information not disclosed by your answers concerning your background" in the negative.
16. The Department of Education in Iowa has a uniform procedure for reporting, investigating, and disposition of allegations of abuse of students resulting from the actions of school employees. After a report is filed, the report is transmitted to a level one investigator. The level one investigator's role is to determine by a preponderance of the evidence, whether or not it is likely that an incident took place between a student and school employee.
17. On November 16, 2022, a level one investigation concerning Morran from an incident the day prior was initiated. Morran was interviewed during this process shortly thereafter.
18. The level one investigator concluded that the investigation was founded at level one and turned it over to level two for further investigation. A level two investigation is conducted to determine the applicability of any exceptions to the physical abuse under the Iowa Administrative Code including reasonableness of the contact or force.
19. The South O'Brien Community School District also requested that an investigation be completed of chapter 103 of the Department of Education. This chapter addresses corporal punishment and other specified restraints and explains the use of parameters and protocols for the use of physical restraint and seclusion.
20. Morran was interviewed by the level one and level two investigators within weeks of the incident that occurred on November 15, 2022.
21. A complaint was filed against Morran in Iowa on December 8, 2022. Morran sent a response to the complaint that was received on January 19, 2023. On March 23, 2023, a Notice of Hearing and Statement of the Charges against Morran were issued.
22. Morran was being investigated for allegations of child abuse, and was aware of that investigation, as early as November of 2022. Morran therefore falsely answered the Application questions in March of 2023.
23. A hearing was held on July 27, 2023, in Des Moines, Iowa regarding the November 15, 2022, incident. Extensive Findings of Fact were issued in the Proposed Decision.
24. On October 13, 2023, an Order from the Iowa Board of Educational Examiners was executed providing that the Proposed Decision would stand as the Board's final ruling. The Order noted that Morran never filed an appeal.
25. Morran was aware of the complaint filed against him and the ongoing case with the Iowa Board of Educational Examiners as early as January of 2023. He failed to disclose this on

his Application.

26. Morran's Iowa certificate was ultimately suspended for a minimum of three years.
27. The Iowa suspension arose from an incident where a special education student was having issues in the classroom and the teacher asked for assistance. Morran went to assist, removed the student from the classroom, forcibly dragged the student down the stairs, and then forcibly dragged the student across the floor.
28. Morran testified before the Commission that on the morning of November 15, 2022, the school's furnace system was down, and he was dealing with that stress.
29. Morran testified that the student involved in the incident had been a student of his since he was a kindergarten. He testified that this student is cognitively delayed, has autism and fetal alcohol syndrome. He further testified that the student's doctor took him off all his medications in October of 2022.
30. Morran testified that on the morning of November 15, 2022, his secretary bolted into his office because this student was going crazy in the classroom. When Morran arrived in the classroom the student had his head on the desk and all the other students along with the teacher were against the walls. Morran attempted to de-escalate the situation in the classroom and get the student to come to his office with him.
31. Morran testified that a teacher and himself moved the student from the classroom into the hallway. He began to move the student down the hallway to get him into the special education room to de-escalate per his IEP.
32. Morran testified that upon getting to the top of the stairs the student was not cooperating and decided not to walk anymore. He testified that he used gravity to help keep moving the student down the stairs. Upon getting to the bottom of the stairs the floor did not have carpet, so he touched the student by the wrist and pulled him out of the area and into the special education room.
33. Morran testified that a representative from the northwest AEA in Iowa wrote approximately a seven-page report which included that there were nine times he had the opportunity to let the student go and chose not to.
34. The incident on November 15, 2022, for the most part was captured on video cameras at the school.
35. The Commission viewed the video footage.
36. Morran's actions in dealing with the student went far beyond any appropriate method in which to address the incident with the student.
37. Morran was deceitful on his Application.

38. Morran failed to fulfill professional responsibilities with honesty and integrity.
39. The evidence presented to the Commission and all reasonable inferences therefrom demonstrate that Morran violated ARSD 24:11:03:01 (1), (3) and (7).
40. 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

41. The Commission has jurisdiction over this matter pursuant to SDCL §§ 13-43-48, 13-43-49, SDCL Ch. 1-26, and the Administrative Rules of South Dakota, and Chapters 24:11:03:01.
42. Pursuant to ARSD 24:18:03:02 if the certificate of an applicant in another jurisdiction has been revoked or suspended by that jurisdiction, the order of revocation or suspension is prima facie evidence that the applicant does not meet the requirements for certification in this state.
43. Based upon the Iowa suspension, Morran does not meet the requirements for certification in South Dakota.
44. The burden of proof in this matter as a contested hearing is clear and convincing. In Re: Setliff, 2022 SD 58, 245 N.W.2d 601, 605.
45. The South Dakota Code of Professional Ethics for Administrators provides at ARSD 24:11:03:01 (1) that professional administrators shall make the well-being of students the basis of decision making and action.
46. Clear and convincing evidence exists that Morran violated ARSD 24:11:03:01 (1).
47. The South Dakota Code of Professional Ethics for Administrators provides at ARSD 24:11:03:01 (3) that professional administrators shall 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.
48. Clear and convincing evidence exists that Morran violated ARSD 24:11:03:01 (3).
49. The South Dakota Code of Professional Ethics for Administrators provides at ARSD 24:11:03:01 (7) that professional administrators shall fulfill professional responsibilities with honesty and integrity.

50. Clear and convincing evidence exists that Morran violated ARSD 24:11:03:01 (7).
51. Clear and convincing evidence does not exist that Morran violated ARSD 24:11:03:01(2).
52. Any conclusions 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 as provided for in SDCL § 13-43-49, for proceedings to suspend the administrator certificate of Morran until July 2, 2028.

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 certificate office of any state in which Morran holds or applies for a certificate.

Dated this 4th day of April 2024.

PROFESSIONAL ADMINSTRATOR
PRACTICES AND STANDARDS
COMMISSION

By: Peter Books
Peter Books, Chair