

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

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In re: Certification of                )            DSE 2024-08  
SCOTT KLAUDT                         )            ORDER SUSPENDING  
  )            EDUCATOR CERTIFICATE

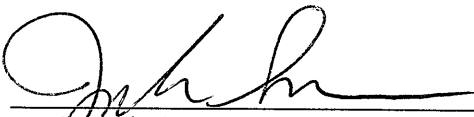
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Pursuant to the authority granted to the Secretary of the South Dakota Department of Education by SDCL §§ 13-43-28.1, 13-42-9, and 13-42-15, following the receipt of a Complaint seeking suspension of a certificate from the South Dakota Professional 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 1, are hereby incorporated into this Order by this reference as if set forth in full.
2. The Commission found clear and convincing evidence Klaudt violated the following provisions of the South Dakota Code of Professional Ethics for Administrators—ARSD 24:08:03:01 (1), (2), (3), and (7).
3. Based upon the foregoing Findings of Fact and Conclusions of Law, the teaching certificate of Scott Klaudt, Certificate #45269, issued on March 4, 2020, is hereby **suspended until June 30, 2025**.
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 Klaudt’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 25<sup>th</sup> of June, 2024.

  
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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  
ADMINISTRATORS PRACTICES AND  
STANDARDS COMMISSION

<p>KATHRYN BLAHA, Director, Accreditation and Certification, S.D. Dept. of Education,                    Complainant,  v.  SCOTT KLAUDT                    Respondent.</p>	<p>PAPSC 2023-09  FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER</p>
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This matter came on for a hearing pursuant to the provisions of SDCL § 13-43-48 before the South Dakota Professional Administrators Practices and Standards Commission. A public hearing was held on March 20, 2024, in 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: Chairperson Peter Books, Jennifer Knecht, Chantal Ligtenberg, Daniel Martin and Darla Mayer. Paul Bachand, counsel for the Commission, and Ferne Haddock, executive secretary of the Commission, were also present. Kathy Reidy appeared on behalf of the Complainant and was represented by Attorney Maria C. Bloom-McNeece. Respondent appeared by and through Attorney Jason Glodt.

Based upon the evidence presented at the hearing and documents contained in the official file, along with the Stipulation entered into by and between the parties, the Commission makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. Respondent, Scott Klautd, (“Klautd”) is the holder of a valid South Dakota Teacher’s Certificate No. 45269, issued on March 4, 2020, and expiring on July 1, 2025.
2. On or about September 7, 2023, Kathryn Blaha, Director, Accreditation and Certification, South Dakota Department of Education (“Complainant”), filed a complaint against Klautd with the Commission.
3. The Complaint alleged that Klautd violated the following section(s) of the Code of Professional Ethics for administrators:

- a. ARSD 24:11:03:01, which provides that in fulfilling their obligation to students, educators shall act as follows:
  - i. (1) Make the well-being of the students the basis of decision making and actions;
  - ii. (2) Enforce and obey local, state, and national rules and laws in the performance of duties;
  - iii. (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;
  - iv. (7) Fulfill professional responsibilities with honesty and integrity;
4. The Complaint was served on Klautd on or about September 12, 2023.
5. A due and proper Notice of Hearing was served on the parties setting this hearing for March 20, 2024.
6. Both parties appeared at the hearing and Klautd, by and through his attorney, indicated that it would be a public hearing.
7. The parties presented a Settlement Agreement to the Commission whereby the Department would recommend to the Commission that Klautd's educator certificate be suspended until June 30, 2025. A copy of the Settlement Agreement is attached hereto as Exhibit A.
8. After due consideration, the Commission voted to approve the Settlement Agreement.
9. Klautd's actions as evidenced in the Stipulated Findings of Fact and Conclusions of Law attached to the Settlement Agreement as Exhibit 1, demonstrate that Klautd violated ARSD 24:11:03:01 (1), (2), (3) and (7).
10. 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

11. 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, Chapters 24:11:03:01 and 24:18:03.

12. 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.
13. The South Dakota Code of Ethics of Professional Administrators provides at ARSD 24:11:03:01(1) that professional administrators shall make the well-being of the students the basis of decision making and action.
14. Clear and convincing evidence exists that Klautdt violated ARSD 24:11:03:01(1).
15. The South Dakota Code of Ethics of Professional Administrators provides at ARSD 24:11:03:01(2) that professional administrators shall enforce and obey local, state, and national rules and laws in the performance of duties.
16. Clear and convincing evidence exists that Klautdt violated ARSD 24:11:03:01(2).
17. The South Dakota Code of Ethics of Professional 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.
18. Clear and convincing evidence exists that Klautdt violated ARSD 24:11:03:01(3).
19. The South Dakota Code of Ethics of Professional Administrators provides at ARSD 24:11:03:01(7) that professional administrators shall fulfill professional responsibilities with honesty and integrity.
20. Clear and convincing evidence exists that Klautdt violated ARSD 24:11:03:01(7).
21. 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 suspend the administrator certificate of Klautdt until June 30, 2025. 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 Directors of Teacher Education and Certification (NASDTEC) clearinghouse and that it remains with the Department's permanent certification file. It is further

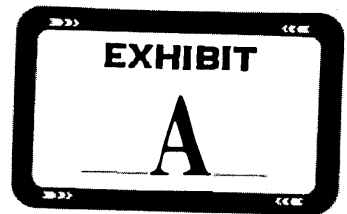
ORDERED that a copy of the Findings of Fact, Conclusions of Law, and Order be sent to the parties herein. It is further

ORDERED that the Department may release the Findings of Fact, Conclusions of Law, and Order to the certificate office of any state in which Klautt holds or applies for a certificate.

Dated this 18<sup>th</sup> day of April 2024.

PROFESSIONAL ADMINISTRATOR  
PRACTICES AND STANDARDS  
COMMISSION

By: Peter Books  
Peter Books, Chair



<b>STATE OF SOUTH DAKOTA</b>	)	<b>PROFESSIONAL ADMINISTRATORS</b>
	)	<b>PRACTICES AND STANDARDS</b>
<b>COUNTY OF HUGHES</b>	)	<b>COMMISSION</b>
<hr/>		
<b>KATHRYN BLAHA, Director,</b>	)	
<b>Accreditation and Certification,</b>	)	<b>PAPSC 2023-09</b>
<b>S.D. Dept. of Education,</b>	)	
	)	
<b>Complainant,</b>	)	<b>SETTLEMENT AGREEMENT</b>
	)	
<b>v.</b>	)	
	)	
<b>SCOTT KLAUDT,</b>	)	
	)	
<b>Respondent.</b>	)	
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This Agreement is hereby entered into by Kathryn Blaha, Director, Accreditation and Certification, South Dakota Department of Education (“Department”) and Scott Klaudt (“Klaudt”) regarding his administrator certificate. In the respective opinions of the parties, this Agreement is fair, reasonable, and in the public interest.

The parties agree to the following:

1. This Agreement shall be effective from the date signed by both parties.
2. The parties agree to the Stipulated Findings of Fact and Conclusions of Law attached hereto as Exhibit 1.
3. On or about September 7, 2023, the Department filed a complaint against Klaudt with the Professional Administrators Practices and Standards Commission (“Commission”).
4. The Department, pursuant to this Agreement, shall recommend to the Commission that Klaudt’s license be suspended until June 30, 2025.
5. In order to be eligible to reapply for an administrator or teaching certificate after the suspension period, Klaudt must comply with all of the following conditions:

- a. He shall attend counseling and provide proof of compliance to the Department prior to reapplying.
  - b. He shall completed the Prevention and Correction course provided through NASDTEC, within the six-month period prior to reapplying for certification. Klaudt shall be responsible for all costs associated and provide proof of completion to the Department prior to reapplying.
  - c. As of the date of his signature on this Agreement, he has not been charged with and will not commit a violation of any state, federal, tribal, county, or municipal law or ordinance not already referenced in Exhibit 1.
  - d. He has not committed and will not commit any violations of the code of ethics not already referenced in Exhibit 1.
  - e. He will immediately provide notice to the Department of any new citation or arrest for any violation of state, federal, tribal, county, or municipal law or ordinance within 10 business days and will provide a copy of any charging documents.
  - f. He will meet all other requirements for certification. Nothing in this paragraph is intended to abrogate or avoid any other applicable requirements for certification.
  - g. He shall submit to the Department any additional documentation as the Department may require to ensure compliance with this Agreement.
6. The conditions in paragraph 5(a) through (g) of this Agreement shall remain in effect for the entire duration of the current certificate issued to Klaudt by the Department and any renewal certificates issued thereafter.

7. If Klautd violates any of the conditions listed in paragraph 5, then the Department or Professional Administrators Practices and Standards Commission may consider all criminal convictions and conduct referenced in Exhibit 1 and all other relevant facts in determining whether to revoke, suspend, or non-renew the certificate.
8. Any notice or other communications required from Klautd pursuant to this Agreement shall be in writing and mailed via first-class mail to the following:

Attn: Legal Office  
South Dakota Department of Education  
800 Governors Drive  
Pierre, SD 57501
9. Klautd agrees that be entering into this Agreement, he has waived all rights to appeal any matter addressed in this Agreement with the South Dakota Department of Education.
10. Each party to this Agreement shall bear their own cost and attorney's fees.
11. The terms of this Agreement may be modified only by a subsequent written agreement signed by the parties.
12. Each undersigned representative of the parties to this Agreement certifies that he or she is fully authorized to enter into this Agreement and each of the terms and conditions hereof, and to execute and legally bind such party to it.
13. This Agreement shall constitute the entire agreement between the parties. This Agreement supersedes any other written or oral agreements between the parties. If any term or provision of this Agreement is determined to be illegal, unenforceable, or invalid in whole in part for any reason, such illegal, unenforceable or invalid provisions shall be stricken from this Agreement , and such provision shall not affect the legality, enforceability, or validity of the remainder of this Agreement.



14. Under the requirements of SDCL 1-27 and 1-26-2, this Settlement Agreement and attached Exhibits are public documents.
15. Klaudt discharges the State of South Dakota, and its officers, assigns, agents, and employees, from any and all liability whatsoever, including punitive damages, losses, costs, attorney's fees, or expenses of any nature, whether joint and several, on all claims, actions, and demands whatsoever based on matters now unknown, as well as known, and unanticipated as well as anticipated, in any manner whatsoever, directly or indirectly, resulting or the result of any matter related to the above-captioned action or this Settlement Agreement. This discharge does not extend to the McIntosh School District or its officers, assigns, agents, and employees.

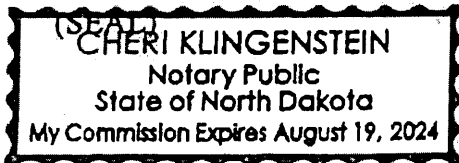
Dated this the 19<sup>th</sup> of March, 2024.

North  
State of ~~South~~ Dakota

Scott Klaudt  
Scott Klaudt

County of Morton, 2024, before me, the undersigned officer, personally appeared Scott Klaudt, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof, I set my hand and official seal.



Cheri Klungenstein  
Notary Public- ~~South Dakota~~ North Dakota  
My commission expires: 8-19-2024

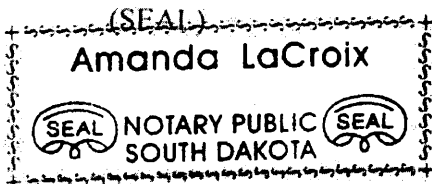
Dated this the 19<sup>th</sup> of March, 2024.

Dr. Kathryn Blaha  
South Dakota Department of Education  
800 Governor's Drive  
Pierre, SD 57501

State of South Dakota

County of Hughes, 2024, before me, the undersigned officer, personally appeared Kathryn Blaha, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof, I set my hand and official seal.



Amanda LaCroix  
Notary Public - South Dakota  
My commission expires: 7-26-2028

## **EXHIBIT 1 – STIPULATED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Klaudt holds a South Dakota administrator certificate #45269, valid until July 1, 2025.
2. On or about October 24, 2022, Klaudt was convicted of Theft of Property in North Dakota.
3. The North Dakota Education Standards and Practices had suspended Klaudt's license in North Dakota.
4. ARSD 24:18:03:02. Revocation or suspension in another jurisdiction. 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.
5. The Professional Administrator Practices and Standards Commission has the authority and obligation to promulgate rules for a code of professional ethics for the teaching profession in South Dakota. SDCL § 13-43-25. This code of professional ethics is found in ARSD chapter 24:11.
6. Klaudt violated the following sections of the Code of Ethics for School Administrators found in ARSD 24:11:03:01:
  - (1) Make the well-being of the students the basis of decision making and action;
  - (2) Enforce and obey local, state, and national rules and laws in the performance of duties;
  - (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;
  - (7) Fulfill professional responsibilities with honesty and integrity.