

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

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In re: Certification of )  
CHRIS WEST ) DSE 2024-11  
 ) ORDER REVOKING  
 ) EDUCATOR CERTIFICATE

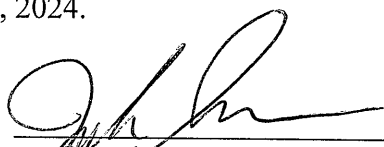
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Pursuant to the authority granted to the Secretary of the South Dakota Department of Education by SDCL §§ 13-43-28.1, 13-42-9, and 13-42-15, following the receipt of a Complaint seeking revocation of a certificate from the South Dakota Professional 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 1, are hereby incorporated into this Order by this reference as if set forth in full.
2. The Commission found clear and convincing evidence West violated the following provision of the South Dakota Code of Professional Ethics for Teachers—ARSD 24:08:03:02 (8).
3. Based upon the foregoing Findings of Fact and Conclusions of Law, the teaching certificate of Chris West, Certificate #57462, issued on September 20, 2022, 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 West’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 29<sup>th</sup> of August, 2024.

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



drugs, or use of misleading or false statement.”

4. West filed a Response with the Commission on or about April 2, 2024.
5. In his Response to the Commission, West stated that everything in the Complaint was true. He further states that his wife and him are divorcing and on that day he made a poor choice and drank way to much.
6. A due and proper Notice of Hearing was served on the parties setting this hearing for July 11, 2024.

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7. West failed to appear for the July 11, 2024, Hearing.
8. West left a voicemail with the Department of Education stating he sent a letter resigning and he was not going back into education.
9. A public hearing on this matter was held on July 11, 2024.
10. West taught social studies, health and physical education at the Sturgis Brown High School in the Meade School District. He originally started the school year as a long-term substitute until he replaced a teacher.
11. West is a double amputee who lost one leg approximately five years ago and then the previous summer he had surgery and lost his second leg. While West got around the school well it was obvious that he was in pain.
12. On November 3, 2023, at approximately 11:10 a.m., West brought a student to the office. While West stood across the desk from High School Principal, Pete Wilson (“Wilson”), Wilson smelled alcohol on his breath.
13. West then went to the counselor’s office to discuss students. Shortly thereafter, one of the counselors came to Wilson and told him they smelt alcohol on West.
14. Wilson contacted the HR Department to determine the proper protocol on moving forward.
15. Wilson properly followed the school district’s protocol by having the assistant principal and West come into his office to ask him questions. West denied drinking alcohol at school that day. Having received two reports, they informed West that he would need to go to the hospital for a breathalyzer.
16. West submitted to two breathalyzers at the urgent care in Rapid City, South Dakota at approximately 12:21 p.m. and 12:36 p.m. The first breathalyzer result was 0.079 and the second was 0.069.

17. Wilson testified that when the nurse provided him with the results, she told him he couldn't let this individual, referring to West, drive.
18. West lived in Spearfish at the time, which is approximately twenty minutes from the school, so it was necessary for someone come to the school to give West a ride home.
19. West had driven to school, from Spearfish to Sturgis that morning, approximately five hours prior to submitting to the breathalyzer.
20. Wormstadt met with West. West was adamant that he did not have anything to drink that morning but admitted to drinking the night before.
21. West told Wormstadt that he got home from Douglas at 10:30 p.m., made dinner and had a few beers. Around 3:30 a.m. he stated he had a tall squirt with vodka and went back to sleep.
22. Wormstadt informed West that he would be placed on paid administrative leave with his recommendation for termination to the school board.
23. West offered his resignation at that time.
24. West drove to school intoxicated the morning of November 3, 2023.
25. West taught his morning periods intoxicated on November 3, 2023.
26. West failed to exemplify high moral standards.
27. The evidence presented to the Commission and all reasonable inferences therefrom demonstrate that West violated ARSRD 24:08:03:02(8).
28. 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

29. 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.
30. 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.
31. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 24:08:03:02 that in fulfilling their obligation 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.

32. Clear and convincing evidence exists that West violated ARSD 24:08:03:02(8).

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

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~~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 Chris West 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 Certification (NASDTEC) clearinghouse and that it remain 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 respondent holds or applies for the certificate.

Dated this 6<sup>th</sup> day of August 2024.

PROFESSIONAL TEACHERS PRACTICES  
AND STANDARDS COMMISSION

By: Joy Robbins  
Joy Robbins, Chair