

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

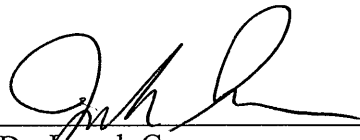
In re: Certification Application of)
MALOU JUBAY)
) DSE 2025-02
) ORDER DENYING
) EDUCATOR CERTIFICATE

In accordance with and pursuant to the authority granted to the Secretary by SDCL § 13-42-4, 13-42-9, and ARSD article 24:18, and after review of the record herein, the Secretary issues the following Order:

1. The Secretary accepts the allegations of the Notice of Intent to Deny Educator Certificate as true and enters the attached Findings of Fact and Conclusions of Law.
2. The application of Malou Jubay for an educator certificate is DENIED.
3. Malou Jubay is prohibited from reapplication for an educator certificate in the State of South Dakota for a period of one year.
4. The Order and Findings of Fact and Conclusions of Law are a public record pursuant to SDCL § 13-42-17.1 and ARSD 24:18:04:05.
5. Notification of this denial is to be placed on the NASDTEC registry and be placed in applicant's permanent certification file within the South Dakota Department of Education.

This constitutes final agency action and may be appealed to circuit court pursuant to ARSD 24:18:02:06.

Dated this the 7th of July, 2025.



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

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In re: Certification Application of	)	DSE 2025-02
MALOU JUBAY	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW

Malou Jubay filed an application for an Initial Educator Application which was activated on April 4, 2024. After a review of the entire file, the Secretary enters the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. On or about April 30, 2025, the South Dakota Department of Education Office of Educator Certification (hereinafter "Department") served a Notice of Intent to Deny Educator Certificate on Malou Jubay (hereinafter "Jubay") via certified mail, first-class mail, and email. The certified mail was confirmed to be delivered.
2. The Notice of Intent informed Jubay that if she failed to request a hearing within 30 days after service of the notice, the allegations of the Notice would be accepted as true by the Secretary.
3. The Department received no request for hearing from Jubay within the 30-day period.
4. Jubay broke her contract with Rock Creek Grant School at the start of the 2024-2025 school year.
5. Jubay did not pay the liquidated damages to Rock Creek Grant School in the amount of \$9,500.00 as agreed to in her contract for employment.

CONCLUSIONS OF LAW

6. Grounds for the denial or non-renewal of an educator certificate are provided in SDCL § 13-42.
7. The Secretary of the Department of Education has the power and authority to refuse to issue or renew a certificate. SDCL § 13-42-9.

8. The Secretary of the Department of Education has the power and authority to suspend or refuse to issue any certificate for a period of one year for breaking a contract with a school. SDCL § 13-42-10.
9. Jubay's breach of contract and abandonment of her employment constitutes acts of moral turpitude to support the Department's intent to deny in violation of SDCL § 13-42-9.
10. Jubay's breach of contract and pursuant to SDCL § 13-42.10, supports the Department's intent to deny.
11. Any Conclusion of Law more properly designated as a Finding of Fact is hereby so designated.
12. Jubay's application should be denied pursuant to SDCL § 13-42-9.
13. Jubay should be prohibited from reapplication for an educator certificate in the State of South Dakota for a period of one year.

Dated this the 7th of July, 2025.



Dr. Joseph Graves
Secretary
South Dakota Department of Education