

STATE OF SOUTH DAKOTA)	OFFICE OF THE SECRETARY
	ss:	
COUNTY OF HUGHES)	SOUTH DAKOTA DEPT. OF EDUCATION
In re: certification application of)	OSE 2012-04
MATTHEW CAMPAGNA.)	
)	FINDINGS OF FACT, CONCLUSIONS OF
)	LAW, AND ORDER DENYING TEACHING
)	CERTIFICATE
)	

Following receipt of Matthew Campagna's application for teaching certificate, a Notice of Intent to Deny Teaching Certificate and Campagna's response, and after review of the entire file herein, the Secretary enters the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. On August 6, 2012, the South Dakota Department of Education, Office of Teacher Quality, served a Notice of Intent to Deny Teaching Certificate and attached exhibits on Matthew Campagna via certified mail, first class mail, and e-mail.
2. The Notice of Intent informed Campagna that if he failed to request a hearing within fifteen days after service of the notice, the allegations of the Notice would be accepted as true by the Secretary, and his application would be denied and record of denial placed on the NASDTEC clearinghouse.
3. On August 7-8, 2012, Campagna had an e-mail exchange with legal counsel for the Department of Education, attached as Exhibit A and incorporated by this reference.
4. On August 16, 2012, the Department of Education received the Notice of Intent and exhibits back from Campagna via U.S. mail, along with a handwritten letter which is attached as Exhibit B and incorporated by this reference.

5. Campagna has expressed the intent to not have a hearing in this matter and has waived his right to hearing. No further correspondence has been received from Campagna.

6. On or about October 30, 2009, the New Mexico Public Education Department (NMPED) served Campagna with a Notice of Contemplated Action regarding suspension or revocation of his New Mexico teaching certificate.

7. Campagna signed a waiver of time limits and agreed the hearing would be held in Las Cruces, New Mexico. Campagna also moved to compel discovery.

8. On or about February 8, 2010, the NMPED served Campagna with an Amended Notice of Hearing setting the date for hearing for May 4, 2010.

9. On or about March 2, 2010, the NMPED served Campagna with an Amended Notice of Contemplated Action.

10. On or about May 4, 2010, a hearing was held regarding the allegations in the Amended Notice of Contemplated Action. Campagna did not appear at the hearing.

11. On or about June 30, 2010, the Secretary of the NMPED signed a Decision and Order revoking Campagna's New Mexico teaching certificate. This Decision and Order was served upon Campagna on the same date. Incorporated into this Decision and Order was the Hearing Officer's Report to the Secretary and findings of fact and conclusions of law.

12. The NMPED Secretary determined that Campagna made false and misleading statements on his 2008 application for New Mexico licensure by failing to

disclose that he was terminated from the Newell School District in South Dakota in 2001 for allegations of inappropriate conduct with a female student.

13. The NMPED Secretary determined that Campagna made false and misleading statements on his 2009 application for employment with the Pecos School District in New Mexico in failing to disclose the termination at Newell School District, failing to disclose employment and discipline for misconduct at other school districts, and failing to disclose his criminal history.

14. The NMPED Secretary determined that in August of 2009, Campagna touched a female student's breast, made inappropriate comments about the female student to another student, and utilized inappropriate, sexually suggestive teaching methods in class.

15. The NMPED Secretary determined that Campagna violated the New Mexico code of teacher ethics by:

- a. Engaging in inappropriate conduct of a sexual nature involving his students or making sexual innuendos while engaged in the teaching profession;
- b. Committing unprofessional acts before his students, their parents and fellow teachers; and
- c. Making material misrepresentations in regard to educational employment and licensure.

16. The NMPED Secretary also determined that Campagna was provided with all due process to which he was entitled in regard to the New Mexico licensure proceeding.

17. Campagna was issued his initial one year teaching certification in South Dakota in May of 1998. In September of 2000, he was issued a five year certificate, which expired on July 1, 2005. He applied for and was issued a one year certificate in 2007, which expired on July 1, 2008. He was last issued a one year certificate in 2008, and this certificate expired on July 1, 2009.

18. On June 25, 2012, Campagna completed, electronically signed, and submitted an online application for a one-year South Dakota teaching certificate. This application was received by the Department of Education, Office of Teacher Quality, on the same date.

19. In the June 25, 2012, application for a South Dakota teaching certificate, Campagna made the following affirmation:

[T]his application has been examined by me, and to the best of my knowledge and belief, is in all things true, accurate, complete and correct. I understand that any intentional falsification, misrepresentation or omission of facts or falsification of statements on accompanying documents may result in criminal charges and/or the denial of certification, and could affect the status of my teaching or school administrative certificate.

20. Campagna answered "No" to question 5, which asked:

Have you ever had any credential, certificate or license authorizing school teaching or educational service suspended, revoked, voided, cancelled, denied, rescinded, rejected for cause and/or otherwise taken away in South Dakota or in any other state, commonwealth, territory or possession of the United States or elsewhere?

21. Campagna answered "No" to question 7, which asked:

Have you ever left employment, been discharged, terminated or resigned to avoid dismissal or disciplinary action?

Campagna also answered “No” to this question in his applications for a teaching certificate in 2007 and 2008.

22. Campagna answered “No” to question 9, which asked:

Is there any information not disclosed by your answers concerning your background, history, experience, education or activities which may have some bearing on your character, moral fitness or eligibility to teach or hold an administrative position in South Dakota and which should be placed at the disposal or brought to the attention of the South Dakota Department of Education?

23. Any finding of fact more properly designated as a conclusion of law is hereby so designated.

CONCLUSIONS OF LAW

1. Grounds for denial of a teacher’s certificate are provided in SDCL Chapter 13-42.

2. The Professional Teachers Practices and Standards Commission has been given 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 24:08:03.

3. The Secretary of the Department of Education has the power and authority to refuse to issue or renew a certificate for violation of the code of professional ethics governing teachers. SDCL 13-42-7 and 13-42-9.

4. The code of ethics requires a teacher to “exemplify high moral standards by not engaging in or becoming a party to ... use of misleading or false statements.” ARSD 24:08:03:02(8).

5. Campagna's electronic signature on the application had the same legal effect and enforceability as any other signature. SDCL Chapter 53-12.

6. Campagna's answers to questions 5, 7, and 9 on the June 25, 2012, application are material misrepresentations and false and misleading statements and violate ARSD 24:08:03:02(8). Campagna failed to disclose the New Mexico revocation and employment-related disciplinary action.

7. The code of ethics requires teachers to "[c]onduct professional business in such a way that [the teacher does] not expose the students to unnecessary intimidation, embarrassment, or disparagement." ARSD 24:08:03:01(5). The code of ethics also requires teachers to "[n]ot engage in or be a party to any sexual activity with students including sexual intercourse, sexual contact, sexual photography, or illicit sexual communication," and "[e]xemplify high moral standards by not engaging in or becoming a party to such activities as ... sexual contact with students..." ARSD 24:08:03:01(10) and 24:08:03:02(8).

8. Campagna has been found by a tribunal of competent jurisdiction to have engaged in inappropriate conduct of a sexual nature involving his students and making sexual innuendos while engaged in the teaching profession. This violates ARSD 24:08:03:01(5) and (10) and 24:08:03:02(8).

9. In order for a certificate to be issued or renewed, applicants must meet the rules and requirements for certificates as determined by the South Dakota Board of Education. SDCL 13-42-3 and 13-42-4.

10. Rules promulgated by the South Dakota Board of Education state, “An applicant whose certificate has been revoked or suspended by another state ... of the United States ... may not be certified until that revocation or suspension has been vacated.” ARSD 24:15:03:04.

11. Because Campagna’s certificate is revoked in New Mexico, ARSD 24:15:03:04 prohibits issuing or renewing his certificate in South Dakota.

12. Campagna’s application should be denied for violations of the code of ethics and because his teaching certificate is revoked in another state. ARSD 24:08:03:01(5)(10), 24:08:03:02(8), and 24:15:03:04.

13. Any conclusion of law more properly designated as a finding of fact is hereby so designated.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby

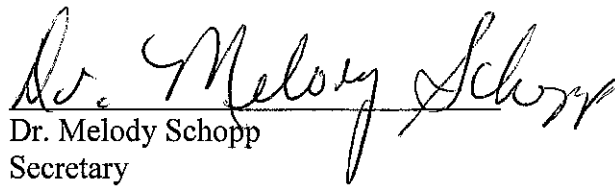
ORDERED that the application of Matthew Campagna for a one year teaching license is denied. It is further

ORDERED that notification of denial will be placed on the NASDTEC registry and be placed in Campagna’s permanent certification file within the South Dakota Department of Education. It is further

ORDERED that this document is a public record pursuant to SDCL Chapter 1-27 and 1-26-2.

This constitutes final agency action. Applicant has the right to appeal unless such appeal has been waived.

Dated this 7th day of November, 2012.

A handwritten signature in cursive script that reads "Dr. Melody Schopp". The signature is written in black ink and is positioned above a horizontal line.

Dr. Melody Schopp

Secretary

South Dakota Department of Education

800 Governors Drive

Pierre, SD 57501

From: matthew campagna [mailto:mattycampagna@yahoo.com]
Sent: Wednesday, August 08, 2012 2:09 PM
To: Rank, Bobbi
Subject: Re: Notice of Intent to Deny Teaching Certificate - OSE 2012-4

Hi: Bah Humbug! Notice of NOlo Contendre..Not Interested. I got the ludicrous package.

at 71 years I do not see any hope in teaching these tatoood , poro-cell-phone carrying thugs and wayward girls in america. I met Toscanini in 1953, at age 12. I did not behave rudely to the great maestro. I'd would ahve had my head bashed in by him and my mentor (tuba player) for NBC Mr. Joe P. Novotony).

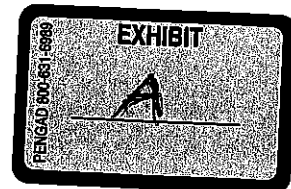
Funny how the story at NM00 evolved. Yet no charges due to her lying; and the odd, alleged appearance of her brother to witness? Why did he not hit me? scream, call police immediately. No she waited 3 days to tell police.. She did no work , nor participate in class. This, three days after I collided with her on a street, after school. I was exhausted, tirde, hot and did not know where my car was in the maze of adjacent angles of streets. At 68 years I am not as agile as a 16 year old student. And she was alone. I aplologized and went to find my car. This is Christian Justice? How about the 40 kids I had in a guitar class. That's abuse. and no principal came by on my 1st day of school. I was alone, no Spanish-speaking assistant arrived. It was chaos and hundred of noisy, rude kids all day. Tha is the new america.

at Newell, the girl in question told me at 8am that her step-father molested her. I told her we'd do somethng about it after class. During class , I ot angry because the kids would not practice the music (Glenn Miller's american Patrol) an easy, yet jazzy piece. so, I tor it up. why not? Im the teacher and conductor. as she began to leave class and turn towards door (she played flute...poorly); I touched her hand or wrist to ask her to stay and we'd go to see principal. She decided not to go...maybe because she was in fear of him ; a 30ish step-dad, molester. Then it began.

Plus, I recall giving an Impro concert during lunch by 7th & 8th graders. The 5th & 6th graders set it all up. Bravo.

It went of charmingly. yet, I was rebuked by supt/principal for not having prior permission. so I told that an imprmtu is a "spru-of-de-moment" surprise" They wrote me up for it. so i told them that in 40 years the happy kids would remember the music teacher's name but not theirs. Itis true.

I had my 5th grade class listen to some jazz tunes..to get rhythy feeling. I said that they could dance. That is a good motor skill observation...and fun for kids for a few minutes. well, the next day some parents came by to complain about it; and said they were 7th-Day adventists and do not dance. I said the kids do and it is good for them to exerciase, play music and be happy kids; that religion was their problem. And it is. I don't care.



I can see I would not have a chance at a hearing..as I wuld not have had with the lying , students, those who are lazy, ignorant, evil. so keep your certificate. In fact when I asked a tribal cop and a fed cop to see their search-dog, allegeddy to have sniffed drugs on my car tires; i was grabbed by the arm, and held in a cop car for an hour , illegally, until the sheriff came. No drugs were found in my car. I dont use them never did after 1970 and do not drink. I tried to sue infed court. They switched identities; as I cannot sue a tribal cop in fed court and visa versa. so they won by cheating and lying. So it in in america. But teh terrorists are they, ot me.

America is failing. It has for 40 years. I kept track. I went to sioux Falls to see US Sen from South Dakota then (name?) in 2003; and he refused to assist me. a real coward and liar he is. But he is a muti-millionarie. I 'd rather listen to Mahler and shostakovitch, R. Strauss, Beethoven, Brahms...and Miles. at least they are more honest and left more for the world than Presidents and Governors (like that Gov. Yanka?? who killed the cyclist with his speeding car; and tried to hide it. another hypocrite-COWARD!

Thnaks but no thanks. gotta practice piano. Im learning some Mozart piano sonats, to occupy myself.

Matt Campagna

Nolo contendere mia south dakota. One ay, youll merge with N Dakota, and eradicate all the Indians.

From: "Bobbi.Rank@state.sd.us" <Bobbi.Rank@state.sd.us>
To: mattycampagna@yahoo.com
Sent: Tuesday, August 7, 2012 12:27 PM
Subject: RE: Notice of Intent to Deny Teaching Certificate - OSE 2012-4

Dear Mr. Campagna:

As stated in the notice, you have fifteen days from the date of service to request a hearing in this matter. If you wish to request a hearing, then please immediately mail a written request for hearing to the address listed in the notice.

Sincerely,

Bobbi Rank

From: matthew campagna [<mailto:mattycampagna@yahoo.com>]
Sent: Tuesday, August 07, 2012 12:50 PM
To: Rank, Bobbi
Subject: Re: Notice of Intent to Deny Teaching Certificate - OSE 2012-4

Hello:

This decision is ludicrous and preposterous.

Apparently, states now are so conservative, pseudo-Christian and Ignorant as to believe obvious innuendo and overt lies by students who refuse to achieve a damned thing; especially in usic. A nation of drone-children, ruled by a hypocrite politico-tax-free religion, tax-free elite. where were they in 1966 when I went to Vietnam war?

Look around and see the sport-gun mentality in America. The daily mayhem and havoc done by youth who are obsessed with booze, drugs, tv and film-sex and mundane celebrity. It is a holocaust upon the world and America. Now , we get two massacres per month. Great. Not gonna bother me at age 71. And recent laws to not prevent violence, as in SD and Kansas; and yet curtail abortion -rights , access to clinics and treatment are only the beginning of a nation's demise.

I never had to defend myself in court. No charges were ever made; and yet you and the state of Nm, with some of the strictest laws towards drugs, drinking-driving, texting, porn etc etc..ad-libitum, have the gall to take away my license. We cannot even have a clean olympics..and they gave out condoms to the Virgins of sports? The corporate greed reaches down into the middle school. The athletes are barely articulate,; ignorant of Thuciddydies and Homer (they think Homer Simpson).

I am baffled by your poor decision. Please send full texts and minutes in this matter. America may have gotten a robot on Mars. But it can't stop the murder, thievery, rape and racism in front of their eyes. It is a Maler lament from the grave.

Mathew campagna

From: "Bobbi.Rank@state.sd.us" <Bobbi.Rank@state.sd.us>
To: mattycampagna@yahoo.com
Sent: Monday, August 6, 2012 3:35 PM
Subject: Notice of Intent to Deny Teaching Certificate - OSE 2012-4

Dear Mr. Campagna:

Please see the attached documents.

Sincerely,

Bobbi J. Rank
Legal Counsel
South Dakota Department of Education

AUG 16 2012

Keep your Dossier-hires,
your children will grow-up to
be Football, Macho-Moms;
swooned by Gert on Masse,
Olympic Rapists, with Christian Hypocrisy
It's okay by me. Dis games play Piano
make some joint and watch the
terrorist Nations you are creating!

