



June 26, 2023, @3:00 p.m. CT

1 Location: MacKay Building, First Floor, (Library Commons) and (MCR 1)
2 800 Governors Drive, Pierre, South Dakota
3

4 Present Nicole Bowman
5 Jean Gunderson (Joined the meeting 06/27/2023, at 8:30 a.m. CT)
6 Alesha Limbo
7 Kay Wickard
8 Crystal McMachen, Vice Chair 2023
9 Joy Robbins, Chair 2023
10

11 Others Paul Bachand and Kendra Mulder Commission Counsel
12 present: Ferne Haddock. Executive Secretary
13

14 Others: Members of the public in person
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16 **CALL TO ORDER AND ROLL CALL** 17

18 Chairman Robbins called the meeting to order at approximately 3:00 a.m. CT.
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20 Roll call. A quorum of the Commission was present.
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22 **ADOPTION OF AGENDA** 23

24 Motion by Limbo second by Wickard to approve the June 26, 2023 - June 27, 2023, agenda.
25 Voice vote, all present voted in favor. Motion carried. Voting aye: Bowman, Limbo, Wickard,
26 McMachen, and Robbins.
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28 **APPROVAL OF MINUTES** 29

30 Motion by Bowman second by Wickard to approve the June 15, 2023, minutes. Voice vote, all
31 present voted in favor. Motion carried. Voting aye: Bowman, Limbo, Wickard, McMachen, and
32 Robbins.
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34 **PUBLIC COMMENT SDCL 1-25-1** 35

36 There was no public comment.
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38 **Election of Vice Chair**

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40 Wickard nominated McMachen for Vice Chair.

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42 Motion by Wickard second by Limbo to close nominations and a unanimous ballot be cast for
43 McMachen 2023 Vice Chair. Voice vote, all present voted in favor. Motion carried. Voting aye:
44 Bowman, Limbo, Wickard, McMachen, and Robbins.

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46 **Previous Business**

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48 **PTPSC 2023-03-Hearing**

49
50 **EXECUTIVE SESSION SDCL 1-25-2(3)6**

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52 Motion by Limbo second by McMachen to go into executive session to discuss legal issues with
53 Commission Counsel. Voice vote, all present voted in favor. Motion carried. Voting aye:
54 Bowman, Limbo, Wickard, McMachen, and Robbins.

55
56 Commission went into executive session at approximately 3:32 p.m. CT.

57
58 Commission came out of executive session at approximately 4:15 p.m. CT.

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60 Motion by Wickard second by Limbo that a complaint be filed with the Secretary of Education
61 regarding PTPSC 2023-03 for proceedings to revoke the educator certificate and that the Chair
62 be authorized to execute the Findings of Fact and Conclusions of Law and Order along with the
63 complaint to the secretary. Roll call vote, all present voted in favor. Motion carried. Voting aye:
64 Bowman, Limbo, Wickard, McMachen, and Robbins.

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66 **New Business**

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68 **PTPSC 2023-06**

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70 Motion by McMachen second by Bowman that PTPSC 2023-06 be moved to a hearing. Roll call
71 vote, all present voted in favor. Motion carried. Voting aye: Bowman, Limbo, Wickard,
72 McMachen, and Robbins.

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74 **PTPSC 2023-07**

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76 Motion by McMachen second by Bowman that PTPSC 2023-07 be moved to a hearing. Roll call
77 vote, all present voted in favor. Motion carried. Voting aye: Bowman, Limbo, Wickard,
78 McMachen, and Robbins.

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80 Recess 4:19 p.m. CT.

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82

Chairman Robbins called the meeting to order at approximately 8:30 a.m. CT

Roll call. A quorum of the Commission was present. (Gunderson joined the meeting)

ARSD 24:08:11 Educator (Code of Ethics) Rules Hearing

The Professional Teachers Practices and Standards Commission convened at 8:32 a.m. CT on June 27, 2023, in the MacKay Building, First Floor, Conference Room 1, 800 Governors Drive, Pierre, South Dakota.

The purpose of the meeting was to conduct a public hearing on the proposed rules of the Professional Teachers Practices and Standards Commission numbered ARSD 24:08:01:01, 24:08:02:04, and 24:08:03:03 adopted under the authority of SDCL 13-43-25

Members of the Commission in Attendance: Bowman, Gunderson, Limbo, McMachen, Robbins, and Wickard. Paul Bachand and Kendra Mulder commission counsel.

DOE Staff Present: Joseph Graves, Amanda LaCroix, and Kathy Riedy.

Others in Attendance: Gerry Kaufman, Rodney Freeman, Sandra Waltman, and other members of the public.

Written Testimony/Public Comments

- Anne Plooster
 - SDEA counsel
 - Opponent
 - Pierre
 - June 23, 2023
 - ARSD 24:08:01:01, 24:08:02:04, and 24:08:03:03
 - Expressed concern about teachers knowing when to report, who to report to, and hampering of collaboration and camaraderie between teachers
 - None
 - Added that reports would be filed with the Department of Education, and that an email/or reporting mechanism would be put in place.

Oral Testimony

Proponents

- Amanda LaCroix
 - South Dakota Department of Education (DOE)
 - Proponent

- 130 ○ Pierre
- 131 ○ ARSD 24:08:01:01, 24:08:02:04, and 24:08:03:03
- 132 ○ Presented acceptance of the LRC form and style recommended changes
- 133 and the development of a mechanism for reporting to the DOE
- 134 ○ Question on possibility of retaliation
- 135 ○ Reports may be anonymous
- 136
- 137 • Kathy Riedy
 - 138 ○ Administrator, Office of Accreditation, DOE
 - 139 ○ Proponent
 - 140 ○ Pierre
 - 141 ○ ARSD 24:08:01:01, 24:08:02:04, and 24:08:03:03
 - 142 ○ Testified that there are times districts are aware of violations and do not
 - 143 file complaints, these rules would be a tool that would allow reporting of
 - 144 possible code violations.
 - 145 ○ Would teachers be protected if the administration is favorable to the
 - 146 person the report is against? Answered that there would still be a chain
 - 147 of command options at the local level as well.
 - 148 ○ All educators would be able to report suspected code violations not just
 - 149 teachers.
 - 150
- 151 • Dr. Joseph Graves
 - 152 ○ Secretary of Education
 - 153 ○ Proponent
 - 154 ○ Pierre
 - 155 ○ ARSD 24:08:01:01, 24:08:02:04, and 24:08:03:03
 - 156 ○ Testified that mandatory reporting covers some resistance of reporting
 - 157 suspected code of ethics violations, these rules would put people in place
 - 158 to able report suspected violations of code of ethics
 - 159 ○ A report is not a complaint. The DOE would investigate the reports and
 - 160 determine if further action would take place.
 - 161 ○ None
 - 162

163 Opponents

- 164
- 165 • Gerry Kaufman
 - 166 ○ Personal testimony
 - 167 ○ Opponent
 - 168 ○ Huron
 - 169 ○ ARSD 24:08:01:01, 24:08:02:04, and 24:08:03:03
 - 170 ○ Testified that he felt that statue should delegate reporting. That there is
 - 171 no protection or confidentiality. These rules do not define 'significant',
 - 172 or reasonable suspicion. He stated that only the commissions can rule
 - 173 on a violation of the code of ethics. He wanted the commission to hold
 - 174 on these rules and revisit them at another time.
 - 175 ○ Dr Graves (DOE) stated that educators should be held accountable, and
 - 176 this would be a tool to assist in reporting suspected code of ethics
 - 177 violations.

178 ○ None

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180 Board questions and Discussion

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182 If the suspected violation was political versus educational duties, as opposed
183 to child abuse, is there any protection for retaliation against the person filing the
184 report?

185 *The report may be filed anonymously. The report is not a complaint, the DOE*
186 *would investigate the report and decide on further action if any.*

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188 Will administrators have the same obligation to report?

189 *The Professional Administrators Practices and Standards Commission is*
190 *moving forward with similar rules changes. As administrators they are obligated to*
191 *adhere to the educators code of ethics, so they would be obligated to report.*

192

193 Will there be any follow-up with the person filing the report?

194 *If a complaint is warranted, there may not be any follow through with the*
195 *person filing the report.*

196

197 **Summary of Changes to Proposed Rules on Account of the Public Hearing**

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199 ○ Where reports will be filed, with the code of ethics.

200 ○ LRC input and written comment

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202 Motion by Wickard second by McMachen to approve the rules as presented. Roll call
203 vote. Voting aye, Bowman, Limbo, McMachen, Wickard, and Robbins. Voting nay
204 Gunderson. Motion carried.

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206 Adjournment of Rules Hearing: 9:10 a.m. CT

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208 **PTPSC 2023-02-Hearing**

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210 Motion by McMachen second by Wickard to go into executive session to discuss legal issues
211 with Commission Counsel. Voice vote, all present voted in favor. Motion carried. Voting aye:
212 Bowman, Gunderson, Limbo, Wickard, McMachen, and Robbins.

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214 Commission went into executive session at approximately 4:49 p.m. CT.

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216 Commission came out of executive session at approximately 5:58 p.m. CT.

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218 Motion by Bowman second by Wickard that a public reprimand be issued in PTPSC 2023-02 for
219 violation of ARSD 24:08:03(1)(8) and that the Chair be authorized to execute the Findings of
220 Fact and Conclusions of Law and Order along with the public reprimand. Roll call vote. All
221 present voted in favor. Voting aye: Bowman, Gunderson, Limbo, Wickard, McMachen, and
222 Robbins. Motion carried.

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ADJOURNMENT

Motion by McMachen second by Bowman to adjourn. Voice vote, all present voted in favor.
Motion carried. Voting aye: Bowman, Gunderson, Limbo, Wickard, McMachen, and Robbins.

Meeting adjourned at approximately 6:00 p.m. CT.

Ferne G. Haddock
Executive Secretary PTPSC

Date

DRAFT