

STATE OF SOUTH DAKOTA)	DIVISION OF THE SECRETARY
)	
COUNTY OF HUGHES)	SOUTH DAKOTA DEP. OF ED.
)	
In re: Revocation of the)	DSE 2022-05
Teaching Certificate of)	ORDER REVOKING
CHRISTOPHER E. ALBERT)	TEACHING CERTIFICATE

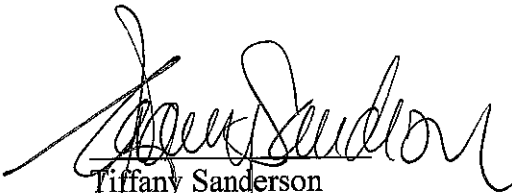
Pursuant to the authority granted to the Secretary of the South Dakota Department of Education by SDCL §§ 13-43-28.1, 13-42-9, and 13-42-15, following the receipt of a Complaint seeking suspension of a certificate from the South Dakota Professional Teachers Practices and Standards Commission, and after 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 A, are hereby incorporated into this Order by this reference as if set forth in full.
2. The Commission found clear and convincing evidence Albert violated two provisions of the South Dakota Code of Professional Ethics for Teachers—ARSD 24:08:03:01(10) and ARSD 24:08:03:02(8).
3. Based upon the foregoing Findings of Fact and Conclusions of Law, the teaching certificate of Christopher E. Albert, Certificate #77558, issued on June 3, 2021, is hereby **immediately and permanently revoked**.
4. Although the Commission recommended Albert’s license be suspended for 4 years, the Secretary finds the conduct disclosed in the Commission’s Findings of Fact and Conclusions of Law particularly egregious and immediate revocation is necessary:
 - a. Albert maintained a romantic relationship with an 18-year-old student during the student’s senior year—both before and after the student graduated high school.
 - b. Albert permitted the student to stay the night at his home on the student’s senior prom night and the Commission expressly found both Albert and the student not “credible witnesses when they described that nothing of sexual nature occurred . . . on prom night.”
 - c. Albert and the student’s romantic relationship resulted in other sexual encounters after the student graduated but was still involved in school activities.
 - d. Albert served as a chaperone on the student’s senior class trip. During the trip, Albert prioritized time with the student. Albert placed his romantic relationship ahead of his duties as a teacher and chaperone.
 - e. As of the time of the Commission’s hearing, Albert and the student still lived together.

5. The Secretary finds the aforementioned violate:
 - a. ARSD 24:08:03:01(10) because by engaging in a romantic and sexual relationship with the student, Albert failed 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
 - b. ARSD 24:08:03:02(8) because Albert failed to “[e]xemplify high moral standards” when he failed to refrain from both acts of “moral turpitude” and “sexual contact with students” after Albert had sexual contact with the student and maintained a romantic relationship with her while she was still a student. The Secretary additionally concurs with the Commission’s findings that permitting the student to stay at Albert’s house on prom night and maintaining a romantic relationship prior to and after the student’s graduation constituted independent acts of moral turpitude under this section. *See*, Appendix A, Findings of Fact, ¶¶ 66-67.
6. Notification of this revocation will be placed on the NASDTEC registry and be placed in Albert’s permanent certification file within the South Dakota Department of Education.
7. The Order and incorporated Findings of Fact and Conclusions of Law are public record pursuant to SDCL 13-42-17.1.

This constitutes final agency action and may be appealed to circuit court pursuant to SDCL § 13-42-16.

Dated this 7th of July, 2022.


Tiffany Sanderson
Secretary
Department of Education
800 Governors Drive
Pierre, SD 57501

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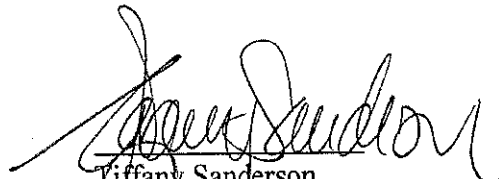
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 - a. Albert maintained a romantic relationship with an 18-year-old student during the student’s senior year—both before and after the student graduated high school.
 - b. Albert permitted the student to stay the night at his home on the student’s senior prom night and the Commission expressly found both Albert and the student not “credible witnesses when they described that nothing of sexual nature occurred . . . on prom night.”
 - c. Albert and the student’s romantic relationship resulted in other sexual encounters after the student graduated but was still involved in school activities.
 - d. Albert served as a chaperone on the student’s senior class trip. During the trip, Albert prioritized time with the student. Albert placed his romantic relationship ahead of his duties as a teacher and chaperone.
 - e. As of the time of the Commission’s hearing, Albert and the student still lived together.

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 - b. ARSD 24:08:03:02(8) because Albert failed to “[e]xemplify high moral standards” when he failed to refrain from both acts of “moral turpitude” and “sexual contact with students” after Albert had sexual contact with the student and maintained a romantic relationship with her while she was still a student. The Secretary additionally concurs with the Commission’s findings that permitting the student to stay at Albert’s house on prom night and maintaining a romantic relationship prior to and after the student’s graduation constituted independent acts of moral turpitude under this section. *See*, Appendix A, Findings of Fact, ¶¶ 66-67.
6. Notification of this revocation will be placed on the NASDTEC registry and be placed in Albert’s permanent certification file within the South Dakota Department of Education.
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This constitutes final agency action and may be appealed to circuit court pursuant to SDCL § 13-42-16.

Dated this 7th of July, 2022.


Tiffany Sanderson
Secretary
Department of Education
800 Governors Drive
Pierre, SD 57501

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

SOUTH DAKOTA PROFESSIONAL
 TEACHERS PRACTICES AND
 STANDARDS COMMISSION

KATHY RIEDY, Administrator,
 Accreditation and Certification,
 S.D. Dept. of Education,

Complainant,

vs.

CHRISTOPHER E. ALBERT

Respondent.

Case No. PTPSC 2022-02

FINDINGS OF FACT,
 CONCLUSIONS OF LAW,
 AND ORDER OF DISMISSAL

This matter came on for hearing pursuant to the provisions of SDCL § 13-43-28 before the South Dakota Professional Teachers Practices and Standards Commission. A hearing was held on May 9, 2022, in the Library Commons, MacKay Building, 800 Governors Drive, Pierre, South Dakota.

The following members of the South Dakota Professional Teachers Practices and Standards Commission (Commission) were present at the hearing: David Christian, Ann Noyes, Joy Robbins, Kay Wickard, and Paula McMahan. Paul Bachand, counsel for the Commission, and Ferne Haddock, executive secretary of the Commission, were also present. The Complainant was personally present along with attorney Amanda LaCroix. The Respondent was personally present.

Based upon the evidence presented at the hearing and documents contained in the official file, the Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On or about June 3, 2021, Respondent Christopher E. Albert ("Albert") was issued South Dakota teaching certificate number 77558. The certificate is valid until July, 1, 2026.
2. Prior to June 3, 2021, Albert filed a renewal certification application which was activated on April 12, 2021.
3. On or about February 17, 2022, Kathy Riedy, Administrator, Accreditation and Certification, South Dakota Department of Education, filed a complaint against Albert with the Commission.
4. The complaint alleged that Albert violated the following section(s) of the Code of Professional Ethics for teachers:
 - a. ARSD 24:08:03:01(7) which provides that in fulfilling their obligations to students, educators shall act as follows: (7) Maintain professional relationships with students without exploitation of a student for personal gain or advantage.
 - b. ARSD 24:08:03:01(9) which provides that in fulfilling their obligations to students, educators shall act as follows: (9) Maintain professional relationships with students in a manner which is free of vindictiveness, recrimination, and harassment;
 - c. ARSD 24:08:03:01(10) which provides that in fulfilling their obligations to students, educators shall act as follows: (10) Not engage in or be a party to any sexual activity with students including sexual intercourse, sexual contact, sexual photography, or illicit sexual communication.

- d. ARSD 24:08:03:02(8) which provides that in fulfilling their obligations 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;
 - e. ARSD 24:08:03:03(12) which provides that in fulfilling their obligations to the profession, educators shall act as follows: (12) Cooperate with authorities and the commissions regarding violations of the codes of ethics of the South Dakota Professional Teachers Practices and Standards Commission and the Professional Administrators Practices and Standards Commission.
5. The complaint was served on Albert on or about February 22, 2022.
 6. A due and proper Notice of Hearing was served on the parties setting this hearing for May 9, 2022.
 7. A private hearing on this matter was held on May 9, 2022.
 8. Albert graduated high school in 1987 and held a variety of jobs after high school until he took severance pay from AT&T in late 2009.
 9. Albert attended Penn State University and graduated in 2014.
 10. Albert was an applicant for Teach for America and selected to teach in South Dakota.
 11. Albert started working for the McLaughlin School District in 2014.
 12. Albert primarily taught U.S. Government, U.S. History, and Psychology.
 13. Albert was also the cross-country coach and senior class advisor.
 14. Albert was likewise involved with the Gifted Education Resource Institute ("GERI")

through Purdue University. Albert supervised the program for McLaughlin.

15. Albert resigned from the McLaughlin School District on August 18, 2021.
16. About one month prior to his resignation, Albert was placed on paid administrative leave.
17. Albert was placed on paid administrative leave as the result of a complaint filed against him regarding a relationship between Albert and Student ("Student").
18. Albert was notified that an investigation would be conducted regarding this relationship.
19. Student was a student at McLaughlin, and Student graduated on May 8, 2021.
20. Student took classes from Albert during Student's freshman, junior, and senior years.
21. During Student's senior year, Student was the class president.
22. Student was an administrative assistant for the McLaughlin school from approximately March 2021 until the end of the school year.
23. Student previously participated in the GERI summer program and was accepted for the program Student's senior year.
24. During Student's senior year, Student frequently visited Albert in his classroom to work with Albert on graduation details. During those visits, Student flirted with Albert.
25. Albert began having feelings towards Student who was 18 years old.
26. Albert could tell that Student began having feelings towards him.
27. Albert never expressed to Student that the flirting by Student was inappropriate.
28. Albert informed the Commission that his relationship with Student started on May

15, 2021.

29. Albert was a chaperone for the high school prom at McLaughlin that occurred on the last Saturday of April 2021.
30. The students had a kickball game after the prom dance and Student was sitting on the bleachers with the principal of the McLaughlin High School.
31. Albert announced to everybody that he was leaving and about 15 to 20 minutes later, Student likewise left.
32. Student went to Albert's house after leaving the kickball game.
33. Student's grandmother lived close to Albert and Student parked Student's car at Student's grandmother's house so no one would see Student's car parked at Albert's house.
34. Student could have spent the night at her grandmother's house, but Student chose to stay at Albert's house.
35. Student stayed at Albert's house that night and didn't leave until the next morning.
36. Albert did not disclose to the Commission that any physical contact occurred with Student.
37. Student informed the Commission that Student and Albert hugged while Student was at Albert's house after prom.
38. Student informed the Commission that after Student arrived at Albert's house, Student and Albert sat on his couch and talked for a couple of hours.
39. Student informed the Commission that Student believed Student slept on the couch at Albert's house that night.
40. When Student was interviewed by the investigator assigned to examine the

relationship between Albert and Student, Student informed the investigator that “[Student] left the prom and went to a party at . . . mother’s house. At around 11:30 p.m. [Student] left the party and went to [Student’s] grandmother[’s] . . . residence which [Student] advised was right around the corner from Albert’s house. [Student] claims [Student] did not see Albert after the prom.”

41. Student admitted to the Commission that Student was not forthcoming with the investigator and was hiding the fact that Student went to Albert’s house after prom.
42. On May 15, 2021, Student asked Albert to go to lunch with Student and the two of them had lunch at the Dairy Queen in Mobridge, SD.
43. During that lunch, Student expressed Student’s feelings towards Albert and Student shared a poem Student had written.
44. After lunch, Albert and Student drove back to McLaughlin and went to Albert’s house.
45. When asked what occurred after they arrived back at Albert’s house, Student indicated: “I don’t recall.”
46. When asked why Student did not recall, Student stated: “It was a while ago. I can’t remember that far back, but it was probably just talk. I don’t know.”
47. Albert was a chaperone for the McLaughlin School senior trip to Hart Ranch which was from May 20 to May 23, 2021.
48. Only McLaughlin students could attend the senior trip.
49. During the senior trip, Albert and Student spent time alone with each other during a hike.
50. During the senior trip when the seniors went to Wal-Mart, Albert stayed on the bus

with Student. The bus driver and the female chaperone were also on the bus.

During this time, Albert asked Student to rub Albert's feet.

51. The bus driver testified before the Commission describing the incidents that occurred during the senior trip. He explained that after everything came to light (about Albert's relationship with Student) he viewed the incidents he witnessed between Albert and Student as being inappropriate.
52. Student again stayed overnight at Albert's house in late May or early June 2021.
53. Student slept in Albert's bed and the two of them engaged in sexual contact.
54. At the time of the hearing in this matter, Student and Albert were living together.
55. Student went with Albert on a trip to Las Vegas in mid-July 2021.
56. Albert informed the Commission that on the way back home from the trip to Las Vegas, he and Student engaged in sexual intercourse.
57. For purposes of the Code of Professional Ethics for Teachers, Student was a student until such time as all school activities associated with her attendance at the McLaughlin School District ended.
58. Student's school activities did not end until Student declined to attend the GERI program.
59. For purposes of the Code of Professional Ethics for Teachers, Albert had an ethical duty to not engage in a relationship with Student even after Student graduated since Student was still engaged in school sponsored activities post-graduation.
60. Albert and Student engaged in sexual activity while Student was a student.
61. The Commission finds neither Student nor Albert credible witnesses when they described that nothing of a sexual matter occurred between the two of them on prom

night.

62. Albert and Student engaged in sexual activity at least towards the end of May or first part of June 2021.
63. Prior to prom night, Albert and Student were engaged in a romantic relationship.
64. The evidence presented to the Commission and all reasonable inferences therefrom, demonstrates that Albert violated ARSD 24:08:03:01(10) which provides that in fulfilling their obligations to students, educators shall act as follows: (10) Not engage in or be a party to any sexual activity with students including sexual intercourse, sexual contact, sexual photography, or illicit sexual communication.
65. The evidence presented to the Commission and all reasonable inferences therefrom, demonstrates that Albert violated ARSD 24:08:03:02(8) which provides that in fulfilling their obligations 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;
66. In addition to the sexual activity between Albert and Student, the Commission specifically finds it an act of moral turpitude for Albert to permit Student to spend the night at his house on prom night.
67. In addition to the sexual activity between Albert and Student, the Commission specifically finds it an act of moral turpitude for Albert and Student to be engaged in a romantic relationship prior to graduation and separately after graduation until Student declined to attend the GERI program.
68. 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

69. The Commission has jurisdiction over this matter pursuant to SDCL §§ 13-43-28 and 13-43-28.1, SDCL Ch. 1-26, and the Administrative Rules of South Dakota, chapters 24:08:03:02 and 24:08:04:01.
70. 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.
71. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 24:08:03:01 that in that fulfilling their obligations to the public:
 - a. (10) Not engage in or be a party to any sexual activity with students including sexual intercourse, sexual contact, sexual photography, or illicit sexual communication.
72. Clear and convincing evidence exists that Albert violated ARSD 24:08:03:01(10).
73. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 24:08:03:02 that in that fulfilling their obligations to the public:
 - a. (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.
74. Clear and convincing evidence exists that Albert violated ARSD 24:08:03:02(8).
75. Clear and convincing evidence does not exist that Albert violated ARSD

24:08:03:01(7) and (9), and ARSD 24:08:03:03(12).

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

Based upon the foregoing findings and conclusions, it is hereby

ORDERED that this matter be referred to the Secretary of the South Dakota Department of Education for proceedings to suspend the teaching certificate of Albert's for four years 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 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 certification office of any state in which the respondent holds or applies for a certificate.

Dated this 8th day of June, 2022.

PROFESSIONAL TEACHERS PRACTICES
AND STANDARDS COMMISSION

By: Joy Robbins
Mrs. Joy Robbins, Chair