


STATE OF SOUTH DAKOTA)	DIVISION OF THE SECRETARY
)	
COUNTY OF HUGHES)	SOUTH DAKOTA DEP. OF ED.
)	
In re: Revocation of the)	DSE 2023-16
Teaching Certificate of)	ORDER REVOKING
CHARLES REAMBONANZA)	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 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:

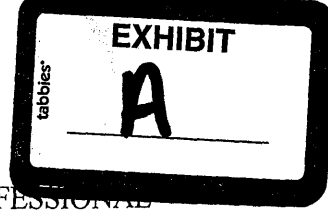
1. The Secretary affirms and adopts the Findings of Fact and Conclusions of Law of the Professional Teachers Practices and Standards Commission (“Commission”). These Findings and Conclusions, attached as Exhibit A, are hereby incorporated into this Order by this reference as if set forth in full.
2. The Commission found clear and convincing evidence Reambonanza violated the following provisions of the South Dakota Code of Professional Ethics for Teachers— ARSD 24:08:03:01 (4), ARSD 24:08:03:02 (8), and ARSD 24:08:03:03 (13).
3. Based upon the foregoing Findings of Fact and Conclusions of Law, the teaching certificate of Charles Reambonanza, Certificate #78691, issued on June 13, 2022, is hereby **immediately and permanently revoked**.
4. Notification of this revocation will be placed on the NASDTEC registry and be placed in Reambonanza permanent certification file within the South Dakota Department of Education.
5. 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 18th of October, 2023.



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



STATE OF SOUTH DAKOTA)
) SS SOUTH DAKOTA PROFESSIONAL
 COUNTY OF HUGHES) TEACHERS PRACTICES AND
 STANDARDS COMMISSION

<p>KATHRYN BLAHA, Director, Accrediation and Certification, S.D. Dept. of Education,</p> <p>Complainant,</p> <p>v.</p> <p>CHARLES REAMBONANZA,</p> <p>Respondent.</p>	<p>PTPSC 2023-05</p> <p>FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER</p>
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This matter came on for a hearing pursuant to provisions of SDCL § 13-43-28 before the South Dakota Professional Teachers Practices and Standards Commission. A public hearing was held on September 14, 2023, 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: Chairperson Joy Robbins, Nichole Bowman, Jean Gunderson, Alesha Limbo, Crystal McMachen, and Kaye Wickard. Paul Bachand, counsel for the Commission and Ferne Haddock, executive secretary of the Commission were also present. Attorney Amanda LaCroix appeared on behalf of the Complainant, the Department of Education. The Respondent, Charles Reambonanza, failed to appear despite due and proper notice.

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. Respondent, Charles Reambonanza (“Reambonanza”), is the holder of a valid South Dakota Teacher’s Certificate Number 78691. He was issued a renewal certificate on June 13, 2022, and is set to expire on July 1, 2027.
2. On or about April 25, 2023, Kathryn Blaha, Director of Accreditation and Certification, South Dakota Department of Education, filed a complaint against Reambonanza.
3. The Complaint alleged that Reambonanza violated the following section(s) of the Code of Professional Ethics for Teachers:

- a. ARSD 24:08:03:01 (4) which provides that in fulfilling their obligation to students, educators shall act as follows: (4) make a reasonable effort to maintain discipline and order in the classroom and the school system to protect the students from conditions harmful to learning, physical and emotional well-being, health, and safety.
 - b. ARSD 24:08:03:02 (7) which provides that in fulfilling their obligation to the public, educators shall act as follows: (7) engage in no act that results in a conviction.
 - c. ARSD 24:08:03:02 (8) which provides 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.
 - d. ARSD 24:08:03:03 (13) which provides that in fulfilling their obligation to the profession, educators shall act as follows: (13) perform duties in accordance with local, state, and federal rules and laws.
4. The complaint was properly served upon Reambonanza on June 5, 2023.
 5. Reambonanza did not file a response with the Commission.
 6. A due and proper Notice of Hearing was served on the parties setting this hearing for September 14, 2023.
 7. Reambonanza failed to appear for the September 14, 2023, Hearing.
 8. A public hearing on this matter was held on September 14, 2023.
 9. Reambonanza's last known employment was with the Todd County School District.
 10. On April 13, 2023, a Criminal Complaint and Affidavit were filed against Reambonanza in the United States District Court, District of South Dakota, Western Division, for Possession of Child Pornography.
 11. On April 20, 2023, Reambonanza was indicted for possession of child pornography.
 12. As a result of an FBI investigation into the distribution and possession of child pornography, Reambonanza was identified as sending money via a PayPal account in order to obtain child pornography.
 13. Reambonanza was identified through a subpoena issued to PayPal which identified him with addresses in St. Francis, South Dakota.

14. Reambonanzas was interviewed by the FBI on April 12, 2023.
15. During that interview, Reambonanza detailed the means in which he was able to purchase child pornography.
16. Reambonanza admitted that he obtained child pornography via the source previously identified through the FBI investigation.
17. Reambonanza admitted in his interview with an FBI agent that he watches child pornography approximately two times a week and has done so since 2018.
18. Reambonanza had several different cell phones and laptops in his possession which contained child pornography.
19. Reambonanza provided the passcode for two iPhones which contained child pornography.
20. Reambonanza's iPhone Pro Max 14, contained a video consistent with child pornography.
21. The facts surrounding Reambonanza's arrest and charges are contained in the Criminal Complaint and Affidavit attached to the Complaint in this matter.
22. Reambonanza has been in custody since April of 2023 and is scheduled for a jury trial on October 31, 2023.
23. Reambonanza's failure to act or appear is subsequently a default as to the allegations contained in the Complaint.
24. The evidence presented to the Commission and all reasonable inferences therefrom demonstrate that Reambonanza violated ARSD 24:08:03:01(4), ARSD 24:08:03:02(7) and (8), and ARSD 24:08:03:03(13).
25. 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

26. 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.

27. 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.
28. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 24:08:03:01 that in fulfilling their obligation to students, educators shall act as follows:
 - (4) Make a reasonable effort to maintain discipline and order in the classroom and the school system to protect the students from conditions harmful to learning, physical and emotional well-being, health, and safety.
29. Clear and convincing evidence exists that Reambonanza violated ARSD 24:08:03:01 (4).
30. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 24:08:03:02 in fulfilling their obligation to the public, educators shall act as follows:
 - (7) Engage in no act that results in a conviction.
31. Clear and convincing evidence does not exist that Reambonanza violated ARSD 24:08:03:02(7). The Commission notes that after the hearing in this matter and prior to the entry of the Findings of Fact, that Reamonanza pled guilty to possession child pornography.
32. 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.
33. Clear and convincing evidence exists that Reambonanza violated ARSD 24:08:03:02(8).
34. The South Dakota Code of Professional Ethics for Teachers provides at ARSD 24:08:03:03 that in fulfilling their obligation to the profession, educators shall act as follows:
 - (13) Perform duties in accordance with local, state, and federal rules and laws.
35. Clear and convincing evidence exists that Reambonanza violated ARSD 24:08:03:03(13).
36. Any conclusions of law improperly denoted as a finding of fact is hereby incorporated as a conclusion of law.

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 Charles Reambonanza 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 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 certificate office of any state in which respondent holds or applies for a certificate.

Dated this 5th day of October 2023.

PROFESSIONAL TEACHER PRACTICES
AND STANDARDS COMMISSION

By: Joy Robbins
Joy Robbins, Chair