

STATE OF SOUTH DAKOTA	)	DIVISION OF THE SECRETARY
	)	
COUNTY OF HUGHES	)	SOUTH DAKOTA DEP. OF ED.
	)	
In re: Revocation of the	)	DSE 2022-19
Teaching Certificate of	)	ORDER REVOKING
JEICKSON PICHARDO CASTILLO	)	TEACHING CERTIFICATE

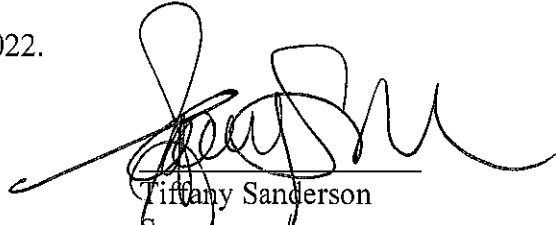
Pursuant to the authority granted to the Secretary of the South Dakota Department of Education by SDCL §§ 13-43-28.1, 13-42-9, and 13-42-15, following the receipt of a Complaint seeking revocation of a certificate from the South Dakota Professional Teachers Practices and Standards Commission, and after 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 Albert violated multiple provisions of the South Dakota Code of Professional Ethics for Teachers—ARSD 24:08:03:01(5), (7), (9), (10), ASRD 24:08:03:02(7), (8), and ASRD 24:08:03:03(13).
3. Based upon the foregoing Findings of Fact and Conclusions of Law, the teaching certificate of Jeickson Pichardo Castillo, Certificate #84099, issued on July 21, 2021, is hereby **immediately and permanently revoked**.
4. The Secretary finds the aforementioned violated:
  - a. ARSD 24:08:03:01(5), (7), (9), and (10) because Pichardo Castillo “exposed [a] student[] to unnecessary intimidation, embarrassment, or disparagement,” failed to “[m]aintain professional relationships with students without exploitation” and in a manner “free of vindictiveness, recrimination, and harassment,” and attempted to engage in “sexual activity with students, including sexual intercourse, sexual contact, . . . and illicit sexual communication”; and
  - b. ASRD 24:08:03:02(7), (8) because Pichardo Castillo failed to refrain from conduct resulting in a conviction, and failed to show “high moral standards by not engaging in . . . theft, deceit, moral turpitude, gross immorality, [and] sexual contact with students”; and
  - c. ASRD 24:08:03:03(13) because Pichardo Castillo failed to perform his duties “in accordance with local, state and federal rules and laws.”
5. Notification of this revocation will be placed on the NASDTEC registry and be placed in Pichardo Castillo’s permanent certification file within the South Dakota Department of Education.

6. 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 17<sup>th</sup> of December, 2022.



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



STATE OF SOUTH DAKOTA )  
 )  
COUNTY OF HUGHES )

**SOUTH DAKOTA PROFESSIONAL  
TEACHERS PRACTICES AND  
STANDARDS COMMISSION**

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

Case No. PTPSC 2022-04

Complainants, )

vs. )

**FINDINGS OF FACT  
CONCLUSIONS OF LAW  
AND ORDER**

JEICKSON PICHARDO CASTILLO, )

Respondent. )

This matter came on for a 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 October 26, 2022, in the Library Commons, MacKay Building, 800 Governors Drive, Pierre, South Dakota pursuant to a due and proper Notice of Hearing.

The following members of the South Dakota Professional Teachers Practices and Standards Commission (Commission) were present at the hearing: Nichole Bowman, David Christian, Jean Gunderson, Crystal McMachen, Joy Robbins and Kay Wickard. Paul Bachand, counsel for the Commission and Ferne Haddock, executive secretary of the Commission, were also present. Kathy Riedy, Administrator, Accreditation and Certification, S.D. Dept. of Education was present along with attorney Amanda LaCroix. The Respondent failed to appear at the time set for the hearing. Based upon the Respondent's failure to appear, the uncontested allegations contained in the complaint, and the evidence presented at the hearing, the Commission makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. On or about July 21, 2021, Respondent Jeickson Pichardo Castillo ("Pichardo Castillo")

was issued a South Dakota teaching certificate number 84099. The certificate was valid until July 1, 2022.

2. Pichardo Castillo was born on June 5, 1998.
3. On or about July 12, 2022, Kathy Riedy, Administrator, Accreditation and Certification, S.D. Dept. of Education, filed a complaint against Pichardo Castillo with the Commission.
4. The complaint alleged that Pichardo Castillo violated the following sections of the Code of Professional Ethics for teachers:
  - a. 24:08:03:01, which provides that in fulfilling their obligations to students, educators shall act as follows:
    - i. (5) Conduct professional business in such a way that they do not expose the students to unnecessary intimidation, embarrassment, or disparagement.
    - ii. (7) Maintain professional relationships with students without exploitation of a student for personal gain or advantage.
    - iii. (9) Maintain professional relationships with students in a manner which is free of vindictiveness, recrimination, and harassment.
    - iv. (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.
  - b. 24:08:03:02 in fulfilling their obligations to the public, educators shall act as follows:
    - i. (7) Engage in no act that results in a conviction.
    - ii. (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.

c. 24:08:03:03 in fulfilling their obligations to the profession, educators shall act as follows: (13) Perform duties in accordance with local, state and federal rules and laws.

5. The complaint was served on Pichardo Castillo on or about July 6, 2022.
6. Pichardo Castillo did not provide a response to the complaint.
7. On or about September 13, 2022, a Notice of Hearing was served upon the parties setting the hearing in this matter for October 26, 2022.
8. Pichardo Castillo failed to appear at the hearing.
9. Pichardo Castillo's failure to appear at the hearing acts as a default regarding the allegations contained in the complaint.
10. In August 2021, Vermillion Police, Vermillion, South Dakota, and the South Dakota Department of Criminal Investigation began investigating Pichardo Castillo after a student ("Student") disclosed that an adult teacher had solicited Student for sex acts and harassed Student via electronic communications.
11. Pichardo Castillo was a teacher at the Vermillion High School and Student was a student in his class.
12. On or about August 19, 2021, a warrant was issued for Pichardo Castillo based upon an Affidavit and Application for Ex Parte Determination of Probable Cause by Supervisory Special Agent Brian Schnabel.
13. On or about September 13, 2021, a Clay County Grand Jury indicated Pichardo Castillo

on the following charges: 1) Solicitation of a Minor, in violation of SDCL 22-24A-5(1), a class 4 felony; 2) Sexual Exploitation of a Minor, in violation of SDCL 22-22-24.3(3), a class 6 felony; 3a) Stalking, in violation of SDCL 22-19A-1(1), a class 1 misdemeanor, or in the alternative, 3b) Stalking, in violation of SDCL 22-19A-1(3), a class 1 misdemeanor; 4) Contributing to or Causing a Child to Become a Child in Need of Supervision, in violation of SDCL 26-9-1, a class 1 misdemeanor; 5) Furnishing Alcohol to a Minor under the Age of 18, in violation of SDCL 35-9-1, a class 1 misdemeanor; and 6) Unauthorized Operation of a Motor Vehicle in violation of SDCL 22-30A-12, a class 1 misdemeanor.

14. On or about April 13, 2022, Pichardo Castillo pled guilty to the following criminal offenses: 1) Abuse of or Cruelty to a Minor, and 2) Stalking. The other charges in the indictment were later dismissed.
15. As a result of the guilty pleas, on July 14, 2022, the court sentenced Pichardo Castillo as follows:
  - a. Abuse of or Cruelty to a Minor (Child Abuse):
    - i. Incarcerated to the South Dakota State Penitentiary for a period of 8 years 91 days with 8 years suspended and credit for 1 day served.
    - ii. Court costs and fine in the total amount of \$1,116.50
    - iii. Costs of prosecution in the amount of \$392.00
    - iv. As a part of the sentence, the court established a number of conditions regarding the suspended penitentiary time including that Pichardo Castillo was to have no contact with the victim (Student).
    - v. Pichardo Castillo was placed on probation for 8 years.
    - vi. Pichardo Castillo was ordered to have no contact with minors under the age of 18, either at his employment or in his personal life, unless directly supervised by the child's parent or guardian.
  - b. Stalking:
    - i. 10 days in jail with 10 days suspended.
    - ii. Court costs and fine in the amount of \$96.50

16. Pichardo Castillo repeatedly communicated via various electronic messaging applications and facetime video calls with Student using explicit sexual references directed at and including Student who was 15 years old at the time.
17. Pichardo Castillo began communicating with Student around December 2020.
18. Over a period of time from approximately March 2021 and lasting until August 15, 2021, Pichardo Castillo would harass Student via malicious messages and comments, and the messages were delivered in a repeated manner. Pichardo Castillo would yell at Student and get upset with Student as he demanded to know Student's activities at various times.
19. Pichardo Castillo repeatedly communicated verbally and electronically his desire to engage in sexual acts with Student including references to oral sex and sexual history.
20. Pichardo Castillo informed Student that he wanted to perform oral sex on Student for Student's birthday.
21. On FaceTime video calls with Student, Pichardo Castillo informed Student that he thinks of Student when he ejaculates while having sex with other females.
22. Pichardo Castillo willfully communicated to Student in a threatening manner, including informing her that she should take down her social media posts because she looked "too good" and mentioning that he had been driving by her house and knew specific details of the house.
23. Pichardo Castillo provided Student with both alcohol and tobacco products. Text messages between Pichardo Castillo and Student showed he purchased alcohol and tobacco products for Student.
24. Pichardo Castillo provided Student with a key to his apartment so Student could keep alcohol there while he was gone.

25. Pichardo Castillo invited Student and several juvenile friends to his place to consume alcohol.
26. On May 6, 2021, Pichardo Castillo discussed with Student in electronic messaging about Student staying the night at Pichardo Castillo's residence, but he went on to indicate that Student can't do that.
27. On May 6, 2021, Student informed Pichardo Castillo that it was fun "at ur house". Pichardo Castillo responded by saying "No you're lying...literally sat in my house and on my face to tell me you're going to go fuck (name)?"
28. On May 7, 2021, Pichardo Castillo mentions that Student is fifteen and his "student".
29. Text messages indicate that Pichardo Castillo engaged in sexually explicit communication and implied sexual activity with Student when Student was 15 years old.
30. Pichardo Castillo was interviewed by law enforcement on August 17, 2021, and during the interview he admitted to making comments that were possibly "inappropriate" to Student but denied any sexual contact or sexual talk. Pichardo Castillo admitted to having FaceTime video calls with Student around the time of her birthday. He denied that Student was ever at his apartment, he denied that Student had a key to his apartment, and he denied ever providing alcohol to Student.
31. Pichardo Castillo provided false statements to law enforcement on August 17, 2021 and lied to law enforcement about his relationship with Student.
32. Pichardo Castillo, during his time as a teacher at the Vermillion High School, gained unauthorized access to Student's vehicle and took items from Student's vehicle.
33. Pichardo Castillo engaged in grooming activities with Student in order to lower Student's inhibitions and lure Student into illicit sexual communication and illicit sexual activity



with him.

34. Pichardo Castillo failed to disclose the information regarding his illicit relationship with Student in his application for recertification as part of the conduct review questions.
35. Any Finding of Fact improperly denoted as a Conclusion of Law is hereby incorporated as a Finding of Fact.

### CONCLUSIONS OF LAW

1. 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 and 24:08:04:01.
2. 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.
3. The South Dakota Code of Professional Ethics for Teachers, as provided at ARSD 24:08:03:01, states that in that fulfilling their obligations to students, educators shall act as follows:
  - (5) Conduct professional business in such a way that they do not expose the students to unnecessary intimidation, embarrassment, or disparagement.
  - (7) Maintain professional relationships with students without exploitation of a student for personal gain or advantage.
  - (9) Maintain professional relationships with students in a manner which is free of vindictiveness, recrimination, and harassment.
  - (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.

4. Clear and convincing evidence exists that Pichardo Castillo violated ARSD  
24:08:03:01(5), (7), (9) and (10).
5. The South Dakota Code of Professional Ethics for Teachers, as provided at ARSD  
24:08:03:02, states that in that fulfilling their obligations to the public, educators shall act  
as follows:
  - (7) Engage in no act that results in a conviction.
  - (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.
6. Clear and convincing evidence exists that Pichardo Castillo violated ARSD  
24:08:03:02(7) and (8).
7. The South Dakota Code of Professional Ethics for Teachers, as provided at ARSD  
24:08:03:03, states that in that fulfilling their obligations to the profession, educators shall  
act as follows: (13). Perform duties in accordance with local, state, and federal rules and  
laws.
8. Clear and convincing evidence exists that Pichardo Castillo violated ARSD  
24:08:03:03(13).
9. 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 revoke the teaching certificate of Pichardo Castillo 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 2<sup>nd</sup> day of December 2022.

PROFESSIONAL TEACHERS PRACTICES  
AND STANDARDS COMMISSION

By: \_\_\_\_\_

*Joy Robbins*  
Joy Robbins, Chair