

STATE OF SOUTH DAKOTA)
)
COUNTY OF HUGHES) SOUTH DAKOTA DEPT. OF EDUCATION

In re: Certification of)
KEITON GUESS) DSE 2024-10
) ORDER REVOKING
) EDUCATOR 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 1, are hereby incorporated into this Order by this reference as if set forth in full.
2. The Commission found clear and convincing evidence Guess violated the following provision of the South Dakota Code of Professional Ethics for Teachers—ARSD 24:08:03:02 (8).
3. Based upon the foregoing Findings of Fact and Conclusions of Law, the teaching certificate of Keiton Guess, Certificate #81029, issued on May 25, 2021, is hereby **permanently revoked**.
4. The Order and Findings of Fact and Conclusions of Law are a public record pursuant to SDCL § 13-42-17.1.
5. Notification of this revocation is to be placed on the NASDTEC registry and be placed in Guess’ permanent certification file within the South Dakota Department of Education.

This constitutes final agency action and may be appealed to circuit court.

Dated this the 22nd of August, 2024.



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

4. Guess failed to file a response with the commission.
5. A due and proper Notice of Hearing was served on the parties setting this hearing for July 11, 2024.
6. Counsel for the Commission, Ms. Mulder-Mews, returned a phone call to Guess on July 10, 2024. Guess specifically informed Ms. Mulder-Mews that he would not be appearing for the hearing on July 11, 2024.
7. Guess failed to appear for the Hearing.
8. A public hearing on this matter was held on July 11, 2024.
9. Guess was employed at the St. Francis Indian School in Saint Francis, South Dakota as a social studies teacher and a mental health counselor.
10. Guess is not currently employed as a teacher but is employed as a cook at a deli.
11. Guess was in a relationship with Horse Looking and they have two minor children together.
12. Horse Looking was five months pregnant on February 9, 2024.
13. On February 9, 2024, Guess failed to retrieve his two-year old daughter from the school bus. Horse Looking retrieved their daughter at the next bus stop and drove her to his home.
14. Horse Looking could smell marijuana when she arrived at Guess home, and he was noticeably high.
15. Horse Looking informed Guess he was not capable of caring for their daughter and attempted to leave. At which time, Guess grabbed his daughter and told Horse Looking she was not leaving with her.
16. Horse Looking went to the spare room to retrieve her clothing. As she turned around Guess wrapped his hands around her neck and began to strangle Horse Looking until their daughter came into the room.
17. Guess grabbed his daughter and tripped over some toys at which time Horse Looking was able to retrieve the child.
18. As Horse Looking is leaving the residence, Guess grabs a handful of her hair pulling her backward causing her to fall to the ground.
19. Guess then struck Horse Looking in the face with his phone causing a laceration.

20. Horse Looking was able to get away from Guess and make contact with her co-workers who took her daughter so she could go to the emergency room.
21. Horse Looking filed and was granted a protection order for one year against Guess.
22. Guess physically assaulted Horse Looking on February 9, 2024, without provocation.
23. Guess knowingly caused serious bodily injury to Horse Looking.
24. Guess by actions in assaulting Horse Looking, caused a serious likelihood of injury to his daughter.
25. Guess failed to exemplify high moral standards by engaging in acts of moral turpitude and gross immorality.
26. Guess's actions in assaulting Horse Looking and creating a situation in which his daughter could have been injured, constitutes acts of both moral turpitude and gross immorality
27. The evidence presented to the Commission and all reasonable inferences therefrom demonstrate that Guess violated ARSD 24:08:03:02(8).
28. 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

29. 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.
30. The burden of proof in this matter as a contested case hearing is clear and convincing. *In Re: Seiliff*, 2002 SD 58, 245 N.W.2d 601, 605.
31. 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.
32. Clear and convincing evidence exists that Guess violated ARSD 24:08:03:02(8).

33. 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 Keiton N. Guess 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 the certificate.

Dated this 6th day of August 2024.

PROFESSIONAL TEACHERS PRACTICES
AND STANDARDS COMMISSION

By: Joy Robbins
Joy Robbins, Chair