

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Voluntary)
Surrender of the Educator)
Certificate of Courtney Clark Kay)
Certificate 242067)

**CONSENT ORDER OF
PERMANENT VOLUNTARY
SURRENDER**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 11, 2015. On February 11, 2013, in accordance with S.C. Code Ann. § 1-23-370(c) (2004), § 59-5-10 (2004), and State Board Rule of Governance BBABA, the South Carolina Department of Education (SCDE) requested that the Chair of the State Board summarily suspend the educator certificate of Courtney Clark Kay, certificate 242067, as a result of her arrest on the charge of Criminal Sexual Conduct with a Minor (3rd Degree), pursuant to S.C. Code Ann. § 16-3-655(C) (Supp. 2012). The SCDE sent notice to Ms. Kay on February 12, 2013. On February 27, 2013, Ms. Kay received the notice as evidenced by a signed postal receipt bearing her signature. Ms. Kay's attorney contacted SCDE and informed the SCDE that Ms. Kay desired a hearing upon the completion of the due process through the court system. Although the criminal charges are still pending, Ms. Kay's attorney has informed the SCDE that Ms. Kay desires to waive her right to a hearing and enter into a Consent Order of Permanent Voluntary Surrender of her educator certificate 242067, effective March 11, 2015.

Courtney Clark Kay 242067
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<u>4/8/15</u> Date

FINDINGS OF FACT

The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2004) and S.C. Code Ann. § 59-25-160 (2004).

Ms. Kay holds a professional South Carolina educator certificate and has three years of teaching experience. She has no prior record of disciplinary action with the State Board. Ms. Kay had been employed by the Spartanburg County School District Seven (District) as a science teacher since 2009. During the 2012-2013 school year, the District employed Ms. Kay as a Science teacher at the Freshman Academy (School). On January 29, 2013, Ms. Kay resigned from her position with the District, following allegations that she had engaged in

inappropriate communication and an inappropriate relationship with a male student enrolled at the School.

On February 8, 2013, Ms. Kay was arrested in Spartanburg County, South Carolina, and charged with Criminal Sexual Conduct with a Minor (3rd Degree), S.C. Code Ann. § 16-3-655(C) (Supp. 2012, a Class D felony, based on allegations of Ms. Kay's inappropriate behavior of a sexual nature with a male victim under sixteen years of age between December 21, 2012, and January 28, 2013.

On February 11, 2013, in accordance with S.C. Code Ann. § 1-23-370(c) (2004), § 59-5-10 (2004), and State Board Rule of Governance BBABA, the SCDE requested that the Chair of the State Board summarily suspend Ms. Kay's educator certificate, certificate 242067, as a result of her arrest on the charge of Criminal sexual Conduct with a Minor (3rd Degree), pursuant to S.C. Code Ann. § 16-3-655(C) (Supp. 2012). On February 12, 2013, the SCDE sent notice to Ms. Kay. On February 27, 2013, Ms. Kay received the notice as evidenced by a signed postal receipt bearing her signature. Ms. Kay's attorney contacted SCDE and informed the SCDE that Ms. Kay desired a private hearing upon the completion of due process through the court system. Although the criminal charges are still pending, Ms. Kay's attorney has informed the SCDE that Ms. Kay desires to waive her right to a hearing and enter into a Consent Order of Permanent Voluntary Surrender of her educator certificate 242067, effective March 11, 2015.

Ms. Kay agrees to the permanent surrender of her South Carolina educator certificate 242067 subject to the following conditions: (1) her educator certificate will become permanently invalid and permanently revoked immediately upon the approval by the State Board of the Consent Order of Permanent Voluntary Surrender; (2) she has waived her right to a hearing and understands that the terms set forth are not subject to reconsideration, collateral attack or judicial review; and (3) she understands that the permanent surrender of his educator certificate will be reported to all school districts in South Carolina and the NASDTEC Clearinghouse as a permanent voluntary surrender and permanent revocation.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004); S.C. Code Ann. § 59-

Courtney
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25-160 (2004). Just cause includes "unprofessional conduct, immorality, any conduct involving moral turpitude and evident unfitness for position for which employed." S.C. Code Ann. § 59-25-160 (2004); 2 S.C. Code Regs 43-58 (2011). The State Board finds that the evidence presented by the SCDE demonstrates that Ms. Kay engaged in unprofessional conduct, immorality, conduct involving moral turpitude and demonstrated evident unfitness for position for which employed as a result of her inappropriate communication and inappropriate relationship with a male student enrolled at the School.

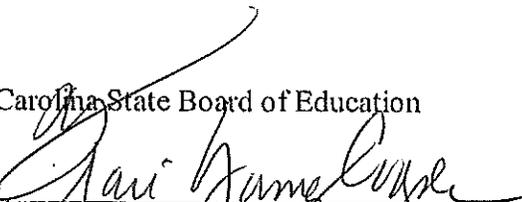
The evidence presented supports the State Board's decision to accept the permanent voluntary surrender of educator certificate 242067, issued under the name of Courtney Clark Kay, and to permanently revoke and render permanently invalid Ms. Kay's educator certificate effective March 11, 2015.

Now, therefore, it is ordered that the Consent Order of Permanent Voluntary Surrender is accepted and the educator certificate of Courtney Clark Kay, certificate 242067, is hereby declared permanently invalid and permanently revoked. The permanent voluntary surrender and revocation of the educator certificate of Courtney Clark Kay, certificate 242067 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By:


Traci Young Cooper, Ed.D., Chair

Columbia, South Carolina
March 11, 2015

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I, Courtney Clark Kay, S.C. Educator Certificate 242067, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of education certificate holders and that I have waived my right to a hearing in this matter. I understand that the terms set forth in this Consent Agreement are not subject to reconsideration, collateral attack or judicial review; and I hereby freely, knowingly and voluntarily permanently surrender my educator certificate to the South Carolina State Board of Education. I hereby acknowledge that this permanent surrender shall have the same effect as a permanent revocation of my certificate. I knowingly forfeit and relinquish all right, title and privilege of holding myself out as and being able to practice as an educator in the public schools in the State of South Carolina. I agree that I will not serve as a volunteer or be employed as an educator, paraprofessional, aide, substitute teacher, band teacher, coach; or in any other position in a public school in the State of South Carolina. I agree to the proposed Consent Order of Permanent Voluntary Surrender, consisting of four pages, and understand that this Order will be presented to the South Carolina State Board of Education on March 11, 2015.

Courtney C. Kay
Courtney Clark Kay

4/8/15
Date