BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation or	)	
	)	
Suspension of the Educator Certificate of	)	**ORDER OF**
	)	
David Lawrence Linderman,	)	**SUMMARY SUSPENSION**
	)	
Certificate 233086	)	
	)	

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on October 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 David Lawrence Linderman, certificate 233086, as a result of allegations that he had an inappropriate relationship with a female student in Greenville, South Carolina.

The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Linderman may pose a threat to the health, safety and welfare of students that may be under his instruction and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Mr. Linderman's educator certificate shall be summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Mr. Linderman's of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. Linderman holds a professional South Carolina educator certificate and has seven years of teaching experience. Mr. Linderman is currently employed by the Beaufort County School District as a math teacher at Hilton Head High School. Mr. Linderman was previously employed by the Greenville County School District (District) from August 2006 until his resignation dated May 11, 2013, which was effective June 30, 2013. Mr. Linderman taught math at Wade Hampton High School (School) from August 2006 until June 2012. During the 2012-2013 school year, the District employed Mr. Linderman as an Administrative Assistant at the School. Mr. Linderman also served as the girls tennis, basketball, and volleyball coach at various times between 2006 and 2011.

In October 2012, a custodial employee at the School reported an incident on a teacher work day where he observed Mr. Linderman accompany a female student into a restroom near the football stadium. Mr. Linderman was confronted by the principal about the incident. The District

investigated the matter and concluded that Mr. Linderman used "extremely poor judgment." The principal disciplined him with a written reprimand instructing Mr. Linderman that he was not to call, text, instant message students or otherwise use personal electronic devices to communicate with students and that he not use District e-mail and District phone service for future student communications. The District also informed him that meeting with students should always take place in recognized meeting areas within the school. Mr. Linderman signed and acknowledged the written reprimand on December 11, 2012.

On May 10, 2013, the District office received an anonymous phone call informing it that Mr. Linderman was having an inappropriate relationship with a female student. The anonymous caller, however, identified a different student than the one involved in the October 2012 incident. The school principal confronted Mr. Linderman about the anonymous call and Mr. Linderman denied the allegations. On May 11, 2013, Mr. Linderman submitted his resignation to the District.

On October 1, 2013, the District reported to the SCDE that the parent of the student who was involved in the October 2012 incident had reported that her daughter was seen with Mr. Linderman on numerous occasions at a local gym and that cell phone records indicated that from January 2013 until mid-September 2013, her daughter and Mr. Linderman communicated with each other on an almost daily basis ranging from one to twenty-nine times a day. Mr. Linderman engaged in this conduct after he had received a written reprimand from the principal prohibiting these types of communication with students.

On October 7, 2013, the SCDE interviewed the student involved in the October 2012 incident, regarding allegations of an inappropriate relationship between the student and Mr. Linderman. According to the student, she met Mr. Linderman during her junior year when he taught her math. She stated that they spent a significant amount of time together both during and outside of school and began to communicate via email and cell phone. The student initially regarded Mr. Linderman as her mentor, but said the relationship developed and the two became intimate while she was a student at the School. According to the student, beginning in November 2012, their relationship became sexual and they engaged in sexual relations on many occasions. The student stated that Mr. Linderman provided alcohol to her when they spent the night in a hotel.

The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Linderman may pose a threat to the health, safety and welfare of students that may be under his instruction and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Mr. Linderman's educator certificate

shall be summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Mr. Linderman of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (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); 24 S.C. Code Ann. Regs. 43-58 (2011). In accordance with S.C. Code Ann. § 1-23-370(c) (2004), "If the agency finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action." Pursuant to S.C. Code Ann § 59-5-10 (2004) and State Board Rule of Governance BBABA, the Chair of the State Board finds that as a result of Mr. Linderman's inappropriate relationship with a female student, he has engaged in unprofessional conduct, immorality, conduct involving moral turpitude, and demonstrated evident unfitness for position for which employed. The Chair of the State Board also finds that there is reason to believe that Mr. Linderman may pose a threat to the health, safety and welfare of students and that emergency action is required. Accordingly, the educator certificate of David Lawrence Linderman, certificate 233086, is summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Mr. Linderman of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: David W. Blackmon

David W. Blackmon, Chair

Columbia, South Carolina

October 11, 2013