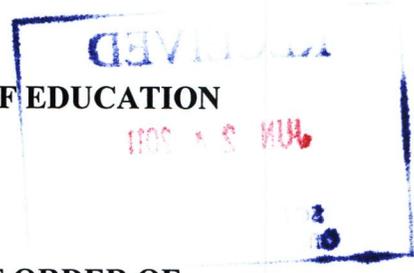


BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION



In the Matter of the Revocation)
)
of the Educator Certificate of)
)
Andrae O. Rice)
)
Certificate 211663)
_____)

CONSENT ORDER OF
PERMANENT
VOLUNTARY SURRENDER
AND REVOCATION

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August ^{18 GP/11B} 11, 2011. On July 28, 2010, the South Carolina Department of Education (SCDE) sent notice to Mr. Rice of the possible suspension or revocation of his South Carolina educator certificate 211663, and his right to a hearing by regular and certified mail, return receipt requested. Mr. Rice received the notice on or about August 9, 2010, as evidenced by a postal receipt bearing his signature. On June 10, 2011, SCDE received notice from the Solicitor's Office that the charges against Mr. Rice would be dismissed with the stipulation that Mr. Rice permanently surrender his South Carolina educator certificate. Mr. Rice has agreed to waive his right to a hearing in this matter and has agreed to the permanent voluntary surrender and revocation of his educator certificate. After considering the evidence presented, the State Board voted to accept the Consent Order of Permanent Voluntary Surrender and permanently revoked Mr. Rice's educator certificate 211663, effective August ^{18 GP/11B} 11, 2011.

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FINDINGS OF FACT

Mr. Rice holds a valid professional educator certificate and has over eight years of teaching experience. Mr. Rice was employed by Berkeley County School District as a physical education teacher and assistant coach at Cane Bay High School until he resigned from his employment with the District, effective September 14, 2009, after the District received notice that Mr. Rice was going to be arrested for allegations that arose in

connection with his employment in the Bamberg County School District Two. Mr. Rice was previously employed by the Bamberg County School District Two (District) at Denmark-Olar High School as a Head Football Coach and Athletic Director, until he resigned, effective December 8, 2008, following an investigation into allegations that he had engaged in inappropriate conduct and communication with a female student.

On January 8, 2009, the Berkeley County School District reported Mr. Rice's unprofessional conduct to SCDE after the District received notification of alleged unprofessional conduct with Mr. Rice and a female student at Denmark-Olar High School.

On December 1, 2008, the parents of the female student filed a complaint with the District superintendent, alleging that Mr. Rice had sexually propositioned their daughter. The female student stated in an interview that Mr. Rice had reached over her shoulder into her blouse during a visit to Mr. Rice's office to retrieve a hall pass. When the female student later confronted Mr. Rice regarding her uneasiness about the incident, she stated that Mr. Rice placed his lips against her forehead and told her that everything was okay. The student further indicated that when she was invited to meet Mr. Rice in the weight room, Mr. Rice allegedly dropped his pants and made sexual solicitations. The female student also reported that she had received text messages, including one with sexual implications, from Mr. Rice.

Mr. Rice denied having any physical contact with the student in his office and denied the incident in the weight room. Mr. Rice admitted to engaging in conversations with the student of a personal and sexual nature on several occasions. Mr. Rice also admitted to sending the aforementioned text messages to the student. On September 15, 2009, Mr. Rice was arrested and charged with Unlawful Conduct Towards a Child.

On July 28, 2010, the SCDE sent notice to Mr. Rice of the possible suspension or revocation of his South Carolina educator certificate 211663, and his right to a hearing by regular and certified mail, return receipt requested. Mr. Rice received the notice on or about August 9, 2010, as evidenced by a postal receipt bearing his signature. On June 10, 2011, SCDE received notice from the Solicitor's Office that the charges against Mr. Rice would be dismissed with the stipulation that Mr. Rice would agree to permanently

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Date
Andrae O. Rice 211663

surrender his South Carolina educator certificate. Mr. Rice has agreed to waive his right to a hearing and has agreed to the permanent voluntary surrender of his educator certificate with the following conditions: (1) his educator certificate will become permanently invalid and revoked immediately upon the approval of the Consent Order of Permanent Voluntary Surrender and Revocation; (2) he may never apply for a South Carolina educator certificate in the future; (3) he has waived his right to a hearing and understands that the terms set forth herein are not subject to reconsideration, collateral attack or judicial review; and (4) he agrees that his permanent voluntary surrender will be reported to all school districts in South Carolina and the NASDTEC Clearinghouse as a permanent voluntary surrender and revocation with the reasons stated as "unprofessional conduct, immorality and evident unfitness for position for which employed

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, and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Ann. Regs. 43-58 (Supp. 2010). The State Board finds that the evidence presented demonstrates that Mr. Rice engaged in unprofessional conduct, immorality, and demonstrated evident unfitness for position for which employed as a result of his sending inappropriate text messages to a female student and engaging in inappropriate communication with a female student, and that just cause exists to permanently revoke Mr. Rice's educator certificate. The evidence presented supports the State Board's decision to permanently revoke the educator certificate of Andrae O. Rice, certificate 211663, effective August 11, 2011. The permanent revocation of Mr. Rice's educator certificate 211663 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order with the reasons stated as "unprofessional conduct, immorality, and evident unfitness for position for which employed."

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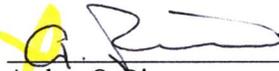
AND IT IS SO ORDERED.

South Carolina State Board of Education

By: 
Gerrita Postlewait, Chair

Columbia, South Carolina
August ^{18, 2011} 11, 2011

I, Andrae O. Rice, S.C. Educator Certificate 211663, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator certificate holders and that I have waived my right to a hearing in this matter. I hereby freely, knowingly and voluntarily surrender my educator certificate to the South Carolina State Board of Education. 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, 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 and Revocation, consisting of four pages, and understand that this Order will be presented for approval to the South Carolina State Board of Education on August ^{18, 2011} 11, 2011.


Andrae O. Rice

6/23/2011
Date