

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)
)
of the Educator Certificate of)
)
Ellen Lindsay Niemiec,)
)
Certificate 248438)
_____)

**ORDER OF
PERMANENT REVOCATION**

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on March 11, 2015. On April 11, 2014, the Berkeley County Sheriff’s Department arrested Ms. Niemiec and charged her with two counts of felony Sexual Battery with a Student, S.C. Code Ann. §16-3-755(B) (Supp. 2011) and one count of misdemeanor Sexual Battery with a Student, S.C. Code Ann. §16-3-755(C) (Supp. 2011). On May 14, 2014, the Chair of the State Board summarily suspended Ms. Niemiec’s educator certificate as a result of her arrest and allegations that she had inappropriate sexual contact with three male students. After several unsuccessful attempts to serve Ms. Niemiec with notice by postal service, the South Carolina Department of Education (SCDE), on August 24, 2014, provided notice to Ms. Niemiec that her educator certificate had been summarily suspended and that the State Board would meet to make a determination regarding the possible suspension or revocation of her educator certificate by personal service. Ms. Niemiec was personally served on September 16, 2014, as evidenced by an affidavit of proof of service signed by the Berkeley County Sheriff’s Office. Ms. Niemiec did not request a hearing in this matter and is in default.

After considering the evidence presented concerning Ms. Niemiec’s unprofessional conduct, the State Board voted to permanently revoke Niemiec’s educator certificate 248438, effective March 11, 2015.

FINDINGS OF FACT

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

Ms. Niemiec holds a professional South Carolina educator certificate and has three years and seven months of teaching experience. Ms. Niemiec had been employed by the Berkeley

County School District One (District) as a teacher at Cross Hill High School (School). On April 11, 2014, the Berkeley County Sheriff's Department arrested Ms. Niemiec and charged her with two counts of felony Sexual Battery with a Student, S.C. Code Ann. §16-3-755(B) (Supp. 2011) and one count of misdemeanor Sexual Battery with a Student, S.C. Code Ann. §16-3-755(C) (Supp. 2011). The District placed Ms. Niemiec on administrative leave, on April 25, 2014, as a result of her arrest. Ms. Niemiec resigned from the District, effective April 30, 2014. On May 14, 2014, the Chair of the State Board summarily suspended Ms. Niemiec's educator certificate as a result of her arrest and allegations that she had inappropriate sexual contact with three male students. After several unsuccessful attempts to serve Ms. Niemiec with notice by postal service, the SCDE, on August 24, 2014, provided notice to Ms. Niemiec by personal service that her educator certificate had been summarily suspended and that the State Board would meet to make a determination regarding the possible suspension or revocation of her educator certificate. Ms. Niemiec was personally served on September 16, 2014, as evidenced by an affidavit of proof of service signed by the Berkeley County Sheriff's Office. Ms. Niemiec did not request a hearing in this matter and is in default.

The SCDE has investigated this matter and has presented evidence documenting Ms. Niemiec's inappropriate relationships with three male students. The evidence against Ms. Niemiec includes conversations between herself and one student via text messages that included strong sexual overtones and discussion of sexual acts she wanted to perform on the student. In addition to the text message conversations, the three students reported they engaged in sexual acts with Ms. Niemiec and each witnessed similar sexual acts performed on the others. All of the sexual acts occurred in the Respondent's classroom.

After considering the evidence presented, the State Board voted to permanently revoke Ms. Niemiec's educator certificate 248438, effective March 11, 2015.

CONCLUSIONS OF LAW

"The State Board 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, 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 (Supp. 2011). The State Board finds that Ms. Niemiec engaged in unprofessional conduct, immorality, conduct involving moral turpitude, and demonstrated evident unfitness for position for which employed,

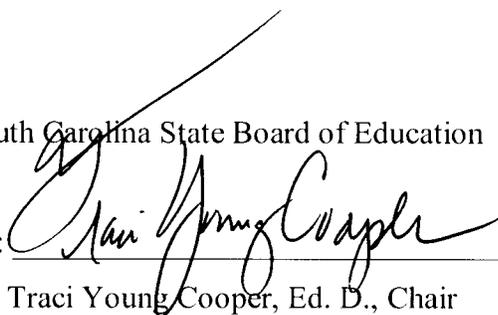
as a result of her inappropriate communication with a male student and relationships of a sexual nature with three male students.

The State Board finds that the evidence presented by the SCDE supports its decision that just cause exists to permanently revoke educator certificate 248438, issued in the name of Ellen Lindsay Niemiec. The permanent revocation of Mr. Niemiec's educator certificate 248438 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