

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation or)
Suspension of the Educator Certificate of)
Eric Michael Hartley,)
Educator Certificate 278206)
_____)

**ORDER OF
SUMMARY SUSPENSION**

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on March 6, 2019. In accordance with S.C. Code Ann. § 1-23-370(c) (2016), § 59-5-10 (2016), 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 Eric Michael Hartley, educator certificate 278206, as a result of his arrest on a federal felony charge of conspiracy to distribute child pornography in violation of 18 U.S.C. § 2252(a)(2) and (b)(1).

The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Hartley may pose a threat to the health, safety, and welfare of students, who 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. Hartley'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. Hartley of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. Hartley holds a professional South Carolina educator certificate and has three years of educator experience. Mr. Hartley was employed by Fort Mill Schools (District) and served as a teacher at Fort Mill High School (School). The District accepted Mr. Hartley's resignation on February 28, 2019.

On or about February 28, 2019, law enforcement in North Carolina arrested Mr. Hartley on a federal felony charge of conspiracy to distribute child pornography, 18 U.S.C. § 2252(a)(2)

and (b)(1). The federal charge originated from events that occurred in 2016, when Mr. Hartley was a teacher in Georgetown, South Carolina. It was alleged Mr. Hartley exchanged images of child pornography online. Further, Mr. Hartley admitted in conversations with his co-conspirator that he fantasized about minors and expressed a desire to engage in the behavior captured in the images.

The SCDE has reason to believe that, due to the serious nature of this allegation of misconduct, Mr. Hartley may pose a threat to the health, safety, and welfare of students who 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. Hartley'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. Hartley 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 (2016). Just cause includes unprofessional conduct, crime against the law of this State, and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2016); 24 S.C. Code Ann. Regs. 43-58 (2016). In accordance with S.C. Code Ann. § 1-23-370(c) (2016), "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 (2016) and State Board Rule of Governance BBABA, the Chair of the State Board finds that as a result of the allegations of Mr. Hartley's unprofessional conduct and evident unfitness for the position for which employed due to his federal felony charge of conspiracy to distribute child pornography, 18 U.S.C. § 2252(a)(2) and (b)(1), there is reason to believe Mr. Hartley may pose a threat to the health, safety, and welfare of students and emergency action is required.

Accordingly, the educator certificate of Eric Michael Hartley, educator certificate 278206, 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. Hartley of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

Eric Michael Hartley, Educator Certificate 278206
Order of Summary Suspension
March 6, 2019
Page 3

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: 
Del-Gratia Jones, Chair

Columbia, South Carolina
March 6, 2019