

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation or)
Suspension of the Educator Certificate of)
Abby K. McElhenny,)
Certificate 247906)
_____)

ORDER OF SUMMARY SUSPENSION

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on June 7, 2011. 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 Abby K. McElhenny, certificate 247906, as a result of her being arrested on June 1, 2011, in the County of Spartanburg, South Carolina, and being charged with Sexual Battery with a Student, S.C. Code Ann. § 16-3-755 (B) (Supp. 2010). The SCDE received official documentation of Ms. McElhenny's arrest from the County of Spartanburg on June 6, 2011. The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Ms. McElhenny may pose a threat to the health, safety and welfare of students that may be under her instruction and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Ms. McElhenny'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 Ms. McElhenny of the summary suspension, as well as the possible suspension or revocation of her educator certificate.

FINDINGS OF FACT

Ms. McElhenny holds a professional South Carolina educator certificate and has less than one year of teaching experience. Ms. McElhenny was employed by the Spartanburg County School District Two (District) as a Spanish teacher at Boiling Springs High School. Ms. McElhenny resigned from the District, effective May 31, 2011. On June 1, 2011, Ms. McElhenny was arrested in the County of Spartanburg, South Carolina and was charged with Sexual Battery with a Student. It is alleged that Ms. McElhenny committed the offense between December 25, 2010 and May 16, 2011. The Chair of the State Board finds that due to the serious

nature of these allegations, Ms. McElhenny may pose a threat to the safety and welfare of students that may be under her instruction and that emergency action is required to summarily suspend Ms. McElhenny's 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, crime against the law of this State, 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). 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 the allegations of Ms. McElhenny's unprofessional conduct, immorality, conduct involving moral turpitude, evident unfitness for position for which employed and her arrest for Sexual Battery with a Student, there is reason to believe that Ms. McElhenny may pose a threat to the health, safety and welfare of students and that emergency action is required. Accordingly, the educator certificate of Abby Kate McElhenny, certificate 247906, 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 Ms. McElhenny of the summary suspension, as well as the possible suspension or revocation of her educator certificate.

AND IT IS SO ORDERED.

South Carolina State Board of Education

Gerrita Postlewait
By: _____

Gerrita Postlewait, Chair

Columbia, South Carolina

June 7, 2011