

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

COPY

In the Matter of the Revocation)
)
or Suspension of the Educator)
)
Certificate of Candice Marie Carr,)
)
Certificate 253177)

**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 17, 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 Candice Marie Carr, certificate 253177, as a result of her being arrested on March 9, 2011, in Orangeburg County, South Carolina, and being charged with Committing or Attempting Lewd Act Upon a Child Under Sixteen. The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Ms. Carr 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. Carr'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. Carr of the summary suspension, as well as the possible suspension or revocation of her educator certificate.

FINDINGS OF FACT

Ms. Carr holds a professional South Carolina educator certificate and has less than one year of teaching experience. Ms. Carr has been employed by the Orangeburg Consolidated School District Five as a Science at Nix Alternative Center. She has been on administrative leave, with pay, since the end of January 2011. On March 9, 2011, Ms. Carr was arrested in Orangeburg County, South Carolina, and charged with Committing or Attempting Lewd Act Upon a Minor Under Sixteen years of age, in violation of S.C. Code Ann. § 16-15-140 (Supp. 2010). It is alleged that between the months of October 1, 2010, and December 2010, Ms. Carr committed the offense of Lewd Act Upon a Minor Under Sixteen, by fondling the genitals of the

victim with the intent to arouse or gratify sexual desire. This incident allegedly took place at Nix Alternative Center. The Chair of the State Board finds that due to the serious nature of these allegations, Ms. Carr 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. Carr'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 there is reason to believe that Ms. Carr may pose a threat to the health, safety and welfare of students that may be under her instruction and that emergency action is required. Accordingly, the educator certificate of Candice M. Carr, certificate 253177, 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. Carr 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

Gerrita Postlewait, Chair