

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)
)
and Voluntary Surrender of the)
)
Educator Certificate of)
)
John H. Kist, Jr.,)
)
Certificate 168825)

**CONSENT ORDER OF
PERMANENT
VOLUNTARY SURRENDER
AND REVOCATION**

SUMMARY OF THE CASE

JP The South Carolina State Board of Education (State Board) considered this matter on March ~~10~~¹¹, 2011. On May 21, 2007, the South Carolina Department of Education (SCDE) sent Mr. Kist a notice of his right to a hearing before the State Board concerning the possible suspension or revocation of his South Carolina educator certificate 168825 by regular and certified mail, return receipt, restricted delivery. On June 1, 2007, Mr. Kist received the notice as evidenced by a signed postal receipt bearing his signature. On June 5, 2007, Mr. Kist requested a hearing in this matter. Prior to the scheduling of a hearing in this matter, Mr. Kist agreed to the permanent voluntary surrender and revocation of his South Carolina educator certificate. After reviewing the information presented, the State Board voted to accept the Consent Order of Permanent Voluntary Surrender and Revocation of Mr. Kist's educator certificate.

Accepted

JK

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2/26/11

Date

John H.
Kist, Jr.
168825

FINDINGS OF FACT

Mr. Kist holds a South Carolina teaching certificate and has eighteen years of teaching experience. He previously held a school counselor certificate and a high school teaching certificate in Ohio. On December 26, 2006, the Ohio State Superintendent of Public Instruction, on behalf of the Ohio State Board of Education, notified Mr. Kist of pending disciplinary action against his school counselor certificate and his high school teaching certificate for violating appropriate boundaries with a student during the 2004-05 and 2005-06 school years.

On March 16, 2007, Mr. Kist voluntarily surrendered his school counselor certificate and his high school teaching certificate to the Ohio Department of Education.. On April 12, 2007, the Ohio State Board of Education adopted a Resolution to accept the voluntary surrender and to enter an Order to permanently revoke the school counselor certificate and the high school certificate of John R. Kist, Jr.

On May 21, 2007, the SCDE sent Mr. Kist a notice of his right to a hearing before the State Board concerning the possible suspension or revocation of his South Carolina educator certificate 168825 by regular and certified mail, return receipt, restricted delivery. On June 1, 2007, Mr. Kist received the notice as evidenced by a signed postal receipt bearing his signature. On June 5, 2007, Mr. Kist requested a hearing in this matter. Prior to the scheduling of a hearing in this matter, Mr. Kist agreed to the permanent voluntary surrender and revocation of his South Carolina educator certificate.

Mr. Kist voluntarily agrees to the permanent surrender of his educator certificate 168825 and agrees to the following conditions: (1) his educator certificate will become permanently invalid and revoked immediately upon the approval by the State Board of the Consent Order of Permanent Voluntary Surrender and Revocation; (2) he may never reapply for a South Carolina educator certificate; (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; (4) he agrees not to be employed or to volunteer, in any capacity, in any school district in the State of South Carolina; and (5) he acknowledges that the voluntary surrender of his educator certificate 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 and evident unfitness for position for which employed."

CONCLUSIONS OF LAW

The South Carolina State Board of Education may, for just cause, either revoke or suspend the certificate of any person. S.C. Code Ann. § 59-25-150 (2004); S.C. Code Ann. § 59-25-160 (2004). Just cause includes "Unprofessional conduct 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

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by the SCDE demonstrates that Mr. Kist engaged in unprofessional conduct with a student and demonstrated evident unfitness for position for which employed and that just cause exists to accept the permanent voluntary surrender of Mr. Kist's educator certificate 168825 and to permanently revoke his educator certificate, effective March 10, 2011. As a condition of this consent order, Mr. Kist shall never be eligible to apply for an educator certificate in South Carolina. Mr. Kist 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.

Now, therefore, it is hereby ordered that the Consent Order of Permanent Voluntary Surrender and Revocation of the educator certificate of John H. Kist, Jr., certificate 168825 is accepted. The permanent voluntary surrender and revocation of Mr. Kist's educator certificate 168825 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 and evident unfitness for position for which employed."

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: Gerrita Postlewait
Gerrita Postlewait, Chair

Columbia, South Carolina
March 10, 2011

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2/26/11
Date

John H.
Kist, Jr.
168825

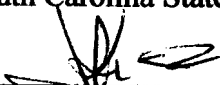
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I, John H. Kist, Jr., S.C. Educator Certificate 168825, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator certificate holders and that I have waived my right to a 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 March 10, 2011.



John H. Kist, Jr.


2/24/11

Date