BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation or Suspension of the Educator Certificate of Courtney Clark Kay, Certificate 242067	)	**ORDER OF SUMMARY SUSPENSION**

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on February 11, 2013. 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 Courtney Clark Kay, certificate 242067, as a result of her being arrested on or about February 8, 2013, in Spartanburg County, South Carolina, and being charged with Criminal Sexual Conduct With A Minor (3rd degree), pursuant to S.C. Code Ann. § 16-3-655(C) (Supp. 2012). The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Ms. Kay 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. Kay'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. Kay of the summary suspension, as well as the possible suspension or revocation of her educator certificate.

FINDINGS OF FACT

Ms. Kay holds a professional South Carolina educator certificate and has three years of teaching experience. Ms. Kay had been employed by the Spartanburg County School District Seven (District) as Science teacher at the Freshman Academy (School) since August 10, 2009. She had previously coached the girls' junior varsity volleyball team. Ms. Kay resigned from her position with the District on January 29, 2013, following allegations that she had an inappropriate relationship with a male student enrolled at the School.

Ms. Kay was arrested on or about February 8, 2013, in Spartanburg County, South Carolina, and charged with Criminal Sexual Conduct With A Minor (3rd degree), S.C. Code Ann. § 16-3-655(C) (Supp. 2012). This crime is classified as a Class D Felony. It is alleged that between December 21, 2012, and January 28, 2013, Ms. Kay willfully and lewdly committed or attempted to commit a lewd lascivious act upon or with the body, or its parts, of a child under sixteen years of age with the intent of arousing,

appealing to, or gratifying the lust, passions, or sexual desires of the accused or the child. The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Ms. Kay 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. Kay'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. Kay of the summary suspension, as well as the possible suspension or revocation of her 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 (2011). 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. Kay's unprofessional conduct, immorality, conduct involving moral turpitude, evident unfitness for position for which employed and her arrest for Criminal Sexual Conduct With A Minor (3rd degree), S.C. Code Ann. § 16-3-655(C) (Supp. 2012), there is reason to believe that Ms. Kay may pose a threat to the health, safety and welfare of students and that emergency action is required. Accordingly, the educator certificate of Courtney Clark Kay, certificate 242067, 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. Kay 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

David W. Blackmon

By: _____

David Blackmon, Chair

Columbia, South Carolina
February 11, 2013