

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)
or Suspension of the Educator)
Certificate of Christopher Mattison Smith,)
Certificate 252233)

ORDER OF SUMMARY SUSPENSION

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on December 17, 2014. 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 Christopher Mattison Smith, certificate 252233, as a result of his being arrested on December 12, 2014, in Greenville County, South Carolina, and being charged with five counts of Sexual Exploitation of a Minor, second degree, in accordance with S.C. Code Ann. § 16-15-405 (Supp. 2014). The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Smith may pose a threat to the health, safety and welfare of students that 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. Smith'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. Smith of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. Smith holds a professional South Carolina educator certificate and has three years of teaching experience. Mr. Smith has been employed by the Greenville County School District as a teacher at Ralph Chandler Middle School since August 2012. On December 12, 2014, Mr. Smith was arrested in Greenville County, South Carolina, and charged with five counts of Sexual Exploitation of a Minor, second degree, in accordance with S.C. Code Ann. § 16-15-405 (Supp. 2014). On December 10, 2014 the Greenville County Sheriff's Office was notified by the National Center for Missing and Exploited Children about two tips identifying child pornography on computers belonging to persons in Greenville County. This information resulted in an

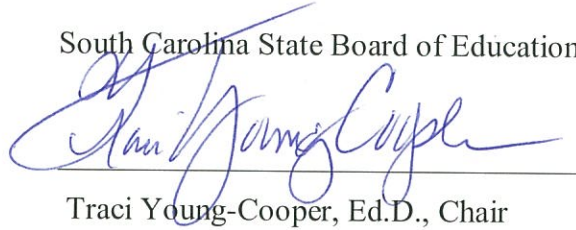
investigation that revealed pornographic material involving children on electronic devices belonging to two teachers in Greenville County. The Greenville County Sheriff's Office believes the behavior of the teachers to be unrelated to one another. Mr. Christopher M. Smith was one of the two teachers whose electronic devices have been seized for forensic analysis. In the course of the investigation, it has been discovered that Mr. Smith used Greenville County School District equipment to view child pornography. Mr. Smith was in possession of images of children engaged in sexual acts with adults and other children. The Chair of the State Board finds that due to the serious nature of these allegations, Mr. Smith may pose a threat to the safety and welfare of students that may be under his instruction and that emergency action is required to summarily suspend Mr. Smith'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 (2011). The Chair finds that, as a result of Mr. Smith's possession of child pornography, just cause exists to suspend his educator certificate. 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 Mr. Smith may pose a threat to the health, safety and welfare of students that may be under his instruction and that emergency action is required. Accordingly, the educator certificate of Christopher M. Smith, certificate 252233, 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. Smith 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

A handwritten signature in blue ink, appearing to read "Traci Young-Cooper", is written over a horizontal line.

Traci Young-Cooper, Ed.D., Chair

Columbia, South Carolina
December 17, 2014