BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation or Suspension of the Educator Certificate of Christopher Wyleek Cummings, Certificate 247963	)	**ORDER OF SUMMARY SUSPENSION**

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on September 27, 2017. 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 Wyleek Cummings, certificate 247963, as a result of his arrest on or about August 17, 2017, in Columbia, South Carolina, and being charged with one count of Sexual/Criminal sexual conduct with minor, 3rd degree, §16-3-655(c) (2012), a felony. The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Cummings 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. Cummings' 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. Cummings of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. Cummings holds an initial South Carolina educator certificate and has two years of teaching experience. Mr. Cummings has been employed by Richland County School District One (District) as a Social Studies teacher at St. Andrews Middle School (School) since on or about June 8, 2016, and is currently on administrative leave.

Mr. Cummings was arrested on or about August 17, 2017, in the City of Columbia, South Carolina, and charged with one count of Sexual/Criminal sexual conduct with minor, 3rd degree, §16-3-655(c) (2012), a felony offense. It is alleged that Mr. Cummings placed his hands on a minor female student's back, buttocks and upper thigh. Further, he had prior knowledge of the

female and her age from being her teacher. The SCDE has reason to believe that due to the serious nature of this allegation of misconduct, Mr. Cummings 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. Cummings' 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. Cummings of the summary suspension, as well as the possible suspension or revocation of his 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); 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 Mr. Cummings' unprofessional conduct, immorality, conduct involving moral turpitude, evident unfitness for position for which employed and his arrest on the felony charge of Sexual/Criminal sexual conduct with minor, 3rd degree, there is reason to believe that Mr. Cummings may pose a threat to the health, safety and welfare of students and that emergency action is required. Accordingly, the educator certificate of Christopher Wyleek Cummings, certificate 247963, 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. Cummings of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

(signature page attached)

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: _____

Ivan Randolph, Ph.D., Chair

Columbia, South Carolina
September 27, 2017