

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Amy Pinckney
Certificate 203626

ORDER OF SUMMARY SUSPENSION

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on August 20, 2021. In accordance with S.C. Code Ann. § 1-23-370(c) (2017), § 59-5-10 (2017), 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 Amy Pinckney, educator certificate 203626, as a result of her arrest on the federal felony count of health care fraud, in violation of Title 18, United States Code, § 1347.

The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Ms. Pinckney may pose a threat to the health, safety, and welfare of students, who 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. Pinckney'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. Pinckney of the summary suspension, as well as the possible suspension or revocation of her educator certificate.

FINDINGS OF FACT

Ms. Pinckney holds a valid South Carolina professional educator certificate and has over seven years of educator experience. At the time of her arrest, Ms. Pinckney did have a working relationship with the Beaufort County School District (District) as an independent contractor for speech therapy.

On August 5, 2021, a plea agreement was filed in federal court that stated Ms. Pinckney was agreeing to plead guilty to a federal felony charge of health care fraud. Information on the charge alleges Ms. Pinckney submitted reimbursement claims for

speech therapy that were not provided and claims for one-on-one services that were provided as part of a group therapy services.

The SCDE has reason to believe that, due to the serious nature of this allegation of misconduct, Ms. Pinckney may pose a threat to the health, safety, and welfare of students who 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. Pinckney'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. Pinckney 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 (2017); S.C. Code Ann. § 59-25-160 (2017). Just cause includes unprofessional conduct, crime against the law of this State, and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2017); 24 S.C. Code Regs. 43-58 (2017). In accordance with S.C. Code Ann. § 1-23-370(c) (2017), "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 (2017) and State Board Rule of Governance BBABA, the Chair of the State Board finds that as a result of the allegations of Ms. Pinckney's unprofessional conduct, crime against the law of this State or the United States, and evident unfitness for the position for which employed, due to her felony charge of health care fraud, in violation of Title 18, United States Code, § 1347, there is reason to believe Ms. Pinckney may pose a threat to the health, safety, and welfare of students and emergency action is required.

Accordingly, the educator certificate of Amy Pinckney, certificate number 203626, is summarily suspended until a due process hearing is held and/or this matter is otherwise

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resolved. The SCDE is directed to serve notice on Ms. Pinckney 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

s/ Kristi Woodall
Kristi Woodall, Ed.D., Chair

Columbia, South Carolina
August 20, 2021