

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Kathryn Elizabeth Dey
Certificate 185480

CONSENT ORDER OF PUBLIC REPRIMAND

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 8, 2022. On September 28, 2021, the South Carolina Department of Education (SCDE) sent notice via regular and certified mail, return receipt requested, to Kathryn Elizabeth Dey concerning the pending action against educator certificate 185480. After Ms. Dey received the notice, her legal counsel contacted the SCDE to request a hearing. Prior to the scheduling of the hearing in the matter, Ms. Dey agreed to waive her right to a hearing to enter into the Consent Order of Public Reprimand. Ms. Dey has also agreed to complete the Prevention & Correction course offered by the National Association of State Directors of Teacher Education and Certification (NASDTEC) within three months of the date of this order. After considering the evidence presented, the State Board voted to accept this Consent Order of Public Reprimand.

FINDINGS OF FACT

Ms. Dey holds a valid South Carolina professional educator certificate and has over twenty-five years of experience. At the time of the misconduct, Ms. Dey was employed by the South Carolina Governor's School for the Arts and Humanities (School) in a non-certified position.

On March 25, 2021, Ms. Dey was suspended by the School for a period of five days following an investigation into an incident on February 19, 2021, where Ms. Dey used a derogatory term towards a student with disabilities in a private text message to a guest presenter. At the time, the presenter was sharing his computer screen through Zoom, so Ms. Dey's message was visible to a few of the students in the class. Ms. Dey regrets her

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choice of words and maintains that her intent was to inform the guest presenter that the student had unique needs and did not understand what was being asked of her, so he needed to move on to a different student.

Ms. Dey voluntarily reported her actions to the School and fully cooperated in its subsequent investigation. Following its investigation, the School suspended Ms. Dey for five days without pay, removed her from the student's courses, and ordered her to have no further interaction with the involved student. The School also required Ms. Dey to attend a training given by Able SC intended to raise her awareness of those with disabilities. After attending this training, Ms. Dey applied the information learned to her daily student interactions. During the 2021-2022 school year, Ms. Dey has worked to develop curriculum that is more inclusive to students with disabilities and plans to implement that curriculum for the 2022-2023 school year. Through her cooperation and collaboration with the School, Ms. Dey has used this situation to improve her own teaching methods and improve arts pedagogy in general.

Ms. Dey has agreed to waive her right to a hearing and resolve this disciplinary matter by entering into this Consent Order of Public Reprimand, subject to the following terms: (1) a Public Reprimand shall be issued by the State Board, (2) the Public Reprimand shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order, and (3) the Consent Order of Public Reprimand shall be posted on the SCDE's website and shall be maintained as a public record in the OGC. Further, Ms. Dey agrees to complete the NASDTEC Prevention & Correction course. After considering the evidence presented, the State Board voted to accept the Consent Order of Public Reprimand with the terms set forth above.

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.

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§ 59-25-160 (2017). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (2017); 24 S.C. Code Regs. 43-58 (2017). The State Board finds that the evidence presented by the District would not support a conclusion that just cause exists to suspend or revoke the educator certificate of Kathryn Elizabeth Dey; however, the evidence that would be presented would support a conclusion that Ms. Dey engaged in unprofessional conduct as a result of using a derogatory term towards a student with special needs. The State Board further finds that just cause exists for the issuance of a Public Reprimand to Ms. Dey by the State Board.

NOW, THEREFORE, it is ordered that the State Board hereby issues a Public Reprimand to Kathryn Elizabeth Dey, certificate 185480. The Public Reprimand shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order with the grounds listed as “unprofessional conduct.” This Consent Order of Public Reprimand shall be posted on the SCDE’s web site and shall be maintained as a public record in the SCDE’s Office of General Counsel. Ms. Dey will submit proof of completion of the NASDTEC course within three months of the date of this order

AND IT IS SO ORDERED.

South Carolina State Board of Education

s/Alan Walters
Alan Walters, Chair

Columbia, South Carolina
February 8, 2022

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I, Kathryn Elizabeth Dey, S.C. Educator Certificate 185480, 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 understand that the terms set forth in this Consent Order of Public Reprimand are not subject to reconsideration, collateral attack or judicial review. I have read the Consent Order of Public Reprimand, consisting of three pages, and I freely and voluntarily agree to the terms set forth therein. I understand that this Order will be presented to the South Carolina State Board of Education for approval on Tuesday, February 8, 2022. I understand this Consent Order will not become effective until approved by the State Board and, if not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the State Board to adjudicate this matter. If approved by the State Board, I give the SCDE permission to use my electronic signature in the style of “/S/ name” for required website publication.

s/Kathryn Elizabeth Dey
Kathryn Elizabeth Dey

1/25/2022
Date