

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
John C. Kirell
Certificate 196196

ORDER OF SUSPENSION

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 13, 2023. On April 26, 2023, the South Carolina Department of Education (SCDE) sent John C. Kirell a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate. Mr. Kirell received the notice on April 29, 2023, as evidenced by USPS Tracking. On May 25, 2023, the SCDE sent Mr. Kirell notice the State Board would consider this matter on June 13, 2023. He has not contacted the SCDE to request a hearing and is now in default.

After considering the evidence presented, the State Board voted to suspend Mr. Kirell's educator certificate for a period of two years, commencing on June 13, 2023, and ending on June 12, 2025.

FINDINGS OF FACT

Mr. Kirell holds a valid South Carolina professional educator certificate and has over twenty-two years of educator experience. At the time of the incident, Mr. Kirell was employed as the principal of the Cherokee Charter School (School).

On August 9, 2022, the State Board issued a public reprimand of Mr. Kirell's educator certification for reporting to work at a previous position while under the influence of alcohol. Approximately one month later, on September 9, 2022, the School Director received reports that Mr. Kirell smelled of alcohol. It was then reported that Mr. Kirell was slurring and repeating words when speaking. The Director met with Mr. Kirell and requested he submit to an alcohol test to put any concerns of possible intoxication to rest. Mr. Kirell stated he would not pass an alcohol test due to drinking from the night before. Mr. Kirell left the grounds and resigned from the School on September 11, 2022.

After considering the evidence presented, the State Board voted to accept the Order of Suspension of Mr. Kirell's educator certificate 196196 for a period of two years, commencing on June 13, 2023, and ending on June 12, 2025. Before reinstatement, Mr. Kirell must successfully complete

a treatment program by an SCDE approved addiction counselor and must have a safe to return to work letter.

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 (Rev. 2004); S.C. Code Ann. § 59-25-160 (2016). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (2016); 24 S.C. Code Regs. 43-58 (2016). The State Board finds that the evidence presented demonstrates that John C. Kirell engaged in unprofessional conduct by being under the influence of alcohol while at school. The State Board further finds that just cause exists for the suspension of Mr. Kirell’s educator certificate.

Now, therefore, it is hereby ordered that the educator certificate of John C. Kirell, educator certificate 196196, is suspended for a period of two years, commencing on June 13, 2023, and ending on June 12, 2025. Before reinstatement, Mr. Kirell must successful complete a treatment program by an SCDE approved addiction counselor and must have a safe to return to work letter.

If Mr. Kirell wishes to have the certificate reinstated at the conclusion of the period of suspension, he shall make a written request to the SCDE’s Office of Educator Services. Mr. Kirell shall be responsible for meeting all certification requirements in effect at the time he requests reinstatement and for the payment of any applicable reinstatement fees. The suspension of Mr. Kirell’s educator certificate shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

s/Crystal F. Stapleton, Ed.D.
Crystal F. Stapleton, Ed.D., Chair

Columbia, South Carolina
June 13, 2023