

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension or)
Revocation of the Educator)
Certificate of Justin M. Ezyk)
Certificate 243862)
_____)

**CONSENT ORDER OF
SUSPENSION**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on October 13, 2011. On December 14, 2010, the South Carolina Department of Education (SCDE) sent Justin M. Ezyk a notice of his right to a hearing before the State Board concerning the possible suspension or revocation of his South Carolina educator certificate 243862 by certified mail, return receipt, restricted delivery, and regular mail. Mr. Ezyk received the notice via regular mail and contacted the SCDE to discuss an alternative resolution to this matter. Mr. Ezyk has agreed to waive his right to a hearing and has consented to the voluntary suspension of his certificate for a period of two years, commencing on October 13, 2011, and ending on October 12, 2013. After considering the evidence presented, the State Board voted to accept the suspension of Mr. Ezyk's certificate for a period of two years.

FINDINGS OF FACT

Mr. Ezyk holds a valid South Carolina professional educator certificate and has over two years of teaching experience. Mr. Ezyk was employed by the Horry County School District (District) at Myrtle Beach Intermediate School (School) as a fourth grade teacher until he resigned on September 8, 2010, following an investigation into several parent complaints concerning a local entertainment newspaper's publication of an alleged interview with Mr. Ezyk and allegations of Mr. Ezyk's violation of the District Internet Acceptable Use Policy. Mr. Ezyk has no prior disciplinary actions with the SCDE.

On August 20, 2010, the District Chief Finance and Human Resources Officer sent a letter to Mr. Ezyk informing him that the District was placing him on administrative leave, effective August 20, 2010, with full pay and benefits, while the District conducted an investigation.

Accepted

JME
Initial

Date:

10/9/11

Justin M.
Ezyk
243862

On or about September 8, 2010, Mr. Hickman interviewed Mr. Ezyk concerning the entertainment newspaper's article and also asked Mr. Ezyk whether he had visited any internet sites or made any inappropriate comments on the District laptop computer assigned to him. The District Technology Department had examined Mr. Ezyk's laptop computer and found inappropriate pictures and one inappropriate video on the computer. Mr. Ezyk stated the entertainment newspaper article had been printed without his consent and that the article had been retracted. He stated that he was attending a party and that one of the attendees was a free-lance writer who was asking questions to the party attendees. He stated that he had never consented to being interviewed. Mr. Ezyk admitted to Mr. Hickman that his friends frequently used his computer when they visited his home and admitted that he had violated the District Internet Acceptable Use Policy. On September 8, 2010, Mr. Ezyk delivered his letter of resignation to the District.

Accepted
<i>MS</i>
Initial
Date: 10/9/11
Justin M. Ezyk 243862

On December 14, 2010, the SCDE sent Mr. Ezyk a notice of his right to a hearing before the State Board concerning the possible suspension or revocation of his South Carolina educator certificate 243862 by certified mail, return receipt, restricted delivery, and regular mail. Mr. Ezyk received the notice via regular mail and contacted the SCDE to seek an alternative resolution of this matter. He agreed to waive his right to a hearing and consented to the voluntary suspension of his certificate for a period of two years, commencing on October 13, 2011, and ending on October 12, 2013. During the period of suspension, Mr. Ezyk agrees to complete a class on Professional Ethics and Professional Responsibility for Educators. Mr. Ezyk further agrees not to be employed or serve as a volunteer in any capacity in any public school in South Carolina during the period of suspension. After considering the evidence presented, the State Board voted to accept the suspension of Mr. Ezyk's certificate for a period of two years.

CONCLUSIONS OF LAW

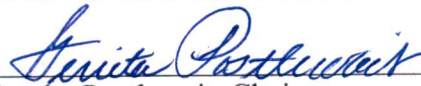
"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004); S.C. Code Ann. § 59-25-160 (2004). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Regs. 43-58 (Supp. 2010). The State Board finds that the evidence presented demonstrates that Mr. Ezyk engaged in unprofessional conduct by violating the District's Internet Acceptable Use Policy. The State Board further finds that

the evidence presented supports the State Board's decision to accept the suspension of the educator certificate of Justin M. Ezyk, certificate 243862, for a period of two years, commencing on October 13, 2011, and ending on October 12, 2013.

Now, therefore, it is ordered that the educator certificate of Justin M. Ezyk, certificate 243862, is hereby suspended for a period of two years, commencing on October 13, 2011, and ending on October 12, 2013. If Mr. Ezyk wishes to have his educator certificate reinstated at the end of the suspension period, he shall make a written request to the SCDE's Office of Educator Certification and shall provide documentation of successful completion of a class in Professional Ethics and Professional Responsibility for Educators. He shall meet all certification requirements in effect at the time he requests reinstatement and pay all applicable reinstatement fees. The suspension of Mr. Ezyk's educator certificate 243862 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order with the reason stated as "unprofessional conduct."

AND IT IS SO ORDERED.

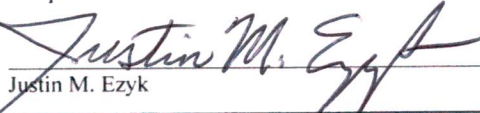
South Carolina State Board of Education

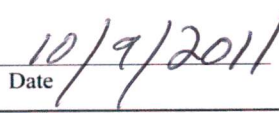

Gerrita Postlewait, Chair

Columbia, South Carolina

October 13, 2011

I, Justin M. Ezyk, SC Educator Certificate 243862, do hereby agree to the proposed Consent Order of Suspension, consisting of three pages, and understand that this Order will be presented to the State Board of Education for approval on Thursday, October 13, 2011. During the period of suspension I agree that I will not serve as a volunteer or be employed as an educator, paraprofessional, aide, substitute teacher, band teacher, coach, or in any other position in a public school in the State of South Carolina.


Justin M. Ezyk


Date 10/9/2011