

## BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation or )  
Suspension of the Educator Certificate of )  
Christopher Bryant Cheely, )  
Certificate 252602 )  
\_\_\_\_\_ )

### ORDER OF SUMMARY SUSPENSION

#### SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on October 1, 2015. 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 Bryant Cheely, certificate 252602, as a result of his arrest on September 22, 2015, and being charged with Assault and Battery, Third Degree, in accordance with S.C. Code Ann. § 16-3-600 (E) (Supp. 2014).

The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Cheely 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. Cheely's educator professional 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. Cheely of the summary suspension, as well as, the possible suspension or revocation of his educator professional certificate.

#### FINDINGS OF FACT

Mr. Cheely holds a valid South Carolina professional educator certificate. He has over five years of teaching experience in South Carolina. Mr. Cheely has been employed by the Georgetown County School District (District) since 2011, as a science teacher at Andrews High School (School) and is currently on administrative leave, effective September 10, 2015, as a result of his violation of District's policies regarding improper, inappropriate, or unprofessional relationships with students and lack of judgment in execution of duties. On September 22, 2015, Mr. Cheely was arrested and charged with Assault and Battery, Third Degree, in accordance with S.C. Code Ann. § 16-3-600 (E) (Supp. 2014), as a result of allegations reported by the District to law enforcement that Mr. Cheely had inappropriately touched a female student at the School and that he had previously made comments about the student's appearance and clothing, which made her feel uncomfortable.

The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Cheely 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. Cheely's educator professional 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. Cheely of the summary suspension, as well as the possible suspension or revocation of his educator professional 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, crime against the law of this state, and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2004); 24 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 Mr. Cheely's alleged violation of District policies and alleged inappropriate contact with a female student, he has engaged in unprofessional conduct, crime against the law of this state, and demonstrated evident unfitness for position for which employed. The Chair also finds that there is reason to believe that Mr. Cheely may pose a threat to the health, safety and welfare of students and that emergency action is required. Accordingly, the educator certificate of Christopher Bryant Cheely, certificate 252602, 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. Cheely of the summary suspension, as well as, the possible suspension or revocation of his educator professional certificate. The suspension of Mr. Cheely's educator professional certificate 252602 shall be immediately reported to the NASDTEC Clearinghouse and all South Carolina school districts.

#### **AND IT IS SO ORDERED.**

South Carolina State Board of Education

By:   
Traci Young-Cooper, Ed.D., Chair

Columbia, South Carolina

October 1, 2015