

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation or)
)
Suspension of the Educator Certificate of)
)
Wendy Ellen Burnett,)
)
Certificate 276645)
_____)

**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 19, 2016. 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 professional certificate of Wendy Ellen Burnett, certificate 276645, as a result of her arrest on August 13, 2016, and being charged with Felony–Driving Under the Influence, pursuant to S.C. Code Ann. § 56-5-2945(A)(1) (2014).

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

FINDINGS OF FACT

Ms. Burnett holds a South Carolina educator professional certificate and has two (2) years of teaching experience in South Carolina. Ms. Burnett has been employed by the Charleston County School District (District) since 2014, as a math teacher at North Charleston High School (School) and is currently on administrative leave effective August 15, 2016. On August 13, 2015, Ms. Burnett was arrested and charged with Felony–Driving Under the Influence, pursuant to S.C. Code Ann. § 56-5-2945(A)(1) (2014), as a result of allegations reported by law enforcement that Ms. Burnett operated a motor vehicle while under the influence

of alcohol and crashed into a stopped police vehicle causing the officer serious bodily injury, but not life threatening.

The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Ms. Burnett may pose a threat to the health, safety and welfare of students that 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. Burnett'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 Ms. Burnett of the summary suspension, as well as the possible suspension or revocation of her 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' may consist of any one or more of the following: . . . unprofessional conduct. . . [or] [e]vident unfitness for position for which employed. . ." S.C. Code Ann. § 59-25-160 (2004). In accordance with S.C. Code Ann. § 1-23-370(c) (2004), "[i]f 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 Ms. Burnett's alleged conduct her arrest on August 13, 2016, for Felony–Driving Under the Influence, pursuant to S.C. Code Ann. § 56-5-2945(A)(1) (2014), she has engaged in unprofessional conduct and demonstrated evident unfitness for position for which employed. The Chair also finds that there is reason to believe that Ms. Burnett may pose a threat to the health, safety and welfare of students and that emergency action is required. Accordingly, the educator certificate of Wendy Ellen Burnett, certificate 276645, 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 Ms. Burnett of the summary suspension, as well as, the possible suspension or revocation of her educator professional certificate. The suspension of Ms. Burnett's educator professional certificate 276645 shall be immediately reported to the NASDTEC Clearinghouse and all South Carolina school districts.

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AND IT IS SO ORDERED.

South Carolina State Board of Education

By: 
Michael R. Brennan, Chair

Columbia, South Carolina
August 19, 2016