

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 PUBLIC REPRIMAND

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 9, 2022. On August 31, 2021, the South Carolina Department of Education (SCDE) sent notice via regular and certified mail, return receipt requested, to John C. Kirell, concerning the pending action against educator certificate 196196. Mr. Kirell thereafter timely requested a hearing, which was held on March 24, 2022. This matter is properly before the State Board pursuant to S.C. Code. Ann. §59-25-150 (2017), and referred to a hearing officer pursuant to S.C. Code. Ann. §59-5-70 (2004).

After considering the evidence, testimony, and the report and recommendations presented, the State Board voted to publically reprimand the certificate of John C. Kirell, certificate 196196.

FINDINGS OF FACT

Mr. Kirell holds a valid South Carolina professional educator certificate. He has over twenty-one years of educator experience and has no prior record of disciplinary action with the State Board. At the time of the incident, Mr. Kirell was serving as the principal of Ebenezer Avenue Elementary School (School) for Rock Hill Schools, York County District Three (District).

On February 2, 2021, Mr. Kirell reported to work at 7:00 am, after a night of drinking and having last consumed alcohol at 2:30 am. Mr. Kirell told coworkers he was not feeling well. Coworkers noticed slurred speech and long pauses, notably as Mr. Kirell made the School's morning announcements over the intercom. School staff contacted District staff, who reported to observe Mr. Kirell and sent him home. A coworker was instructed to drive him to his residence.

Mr. Kirell arrived home at approximately 9:30 am. At 12:57 pm, an email was sent to Mr. Kirell requesting that he report for drug and alcohol testing. At some point during his time at home, Mr. Kirell consumed two mixed drinks with bourbon. He reported for a manual breath alcohol test at 4:37 pm. His results were .277. A second test at 4:55 pm showed a result of .236. Mr. Kirell admitted he may have had alcohol in his system from the night before, as well as the two drinks he had that day. Pursuant to the District's policy, Mr. Kirell was placed on administrative leave on February 2, 2021. He resigned from the district, effective February 10, 2021.

The hearing officer found substantial evidence that Mr. Kirell reported to the School in an intoxicated state. This violated District policy and constituted unprofessional conduct. During the hearing, Mr. Kirell admitted he took School staff away from important duties to deal with the situation. The hearing officer further noted that as the principal, Mr. Kirell was responsible for setting the tone in the School. Mr. Kirell also admitted to previous dishonesty with attempted treatment programs and that he was not able to successfully complete a treatment program since the incident. Considering these facts, the hearing officer recommended a one year suspension of Mr. Kirell's educator certification. It was further recommended that Mr. Kirell submit a return-to-work letter from his treatment provider prior to reinstatement.

After considering the evidence presented, and hearing from the educator, the State Board found just cause to publically reprimand Mr. Kirell's educator certificate 185480.

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. § 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 John C. Kirell; however, the evidence that would be

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presented would support a conclusion that Mr. Kirell engaged in unprofessional conduct as a result of reporting to work under the influence of alcohol. The State Board further finds that just cause exists for the issuance of a Public Reprimand to Mr. Kirell by the State Board.

NOW, THEREFORE, it is ordered that the State Board hereby issues a Public Reprimand to John C. Kirell, certificate 196196. 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.

AND IT IS SO ORDERED.

South Carolina State Board of Education

s/Alan Walters

Alan Walters, Chair

Columbia, South Carolina

August 9, 2022