

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Rachel Anne Henry
Certificate 283505

**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 November 27, 2019, the South Carolina Department of Education (SCDE) sent Rachel Anne Henry a notice letter by certified mail, return receipt, restricted delivery, and regular mail, regarding possible action against her educator certificate. After receiving the notice, Ms. Henry contacted the SCDE and advised that she desired to waive her right to a hearing and pursue an alternative resolution in this matter. After considering the evidence presented, the State Board voted to accept this Consent Order of Public Reprimand.

FINDINGS OF FACT

Ms. Henry holds a valid South Carolina professional educator certificate and has over nineteen years of experience. At the time of the incident, Ms. Henry was employed by the Berkeley County School District (District) as an Educator at Cain Bay High School (School).

Ms. Henry was reported to the SCDE by the Berkeley County School District after she reported to work under the influence of alcohol. Specifically, Ms. Henry arrived to school under the influence of alcohol on August 15, 2022 and was placed under arrest for disorderly conduct. The District also disclosed a prior incident where Ms. Henry was arrested for disorderly conduct after appearing for work under the influence of alcohol. As a result of the incidents, the District terminated Ms. Henry's employment, effective August 15, 2019. Shortly after the incidents and her resignation, Ms. Henry sought and obtained treatment for alcohol abuse. Ms. Henry submitted documentation to the SCDE demonstrating her completion of an inpatient

Rachel Anne Henry
283505
s/RAH
Initial
8/18/22
Date

rehabilitative program. Ms. Henry has also completed an intensive outpatient program. In a statement to the SCDE, Ms. Henry expressed regret about her choices and their negative effect on the school community.

Ms. Henry has agreed to waive her right to a hearing and resolve this disciplinary matter by entering into this Consent Order of Public Reprimand, subject to the following terms: (1) a Public Reprimand shall be issued by the State Board, (2) 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, and (3) the Consent Order of Public Reprimand shall be posted on the SCDE's website and shall be maintained as a public record in the OGC. After considering the evidence presented, the State Board voted to accept the Consent Order of Public Reprimand with the terms set forth above.

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 Rachel Anne Henry; however, the evidence would support a conclusion that Ms. Henry 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 Ms. Henry by the State Board.

NOW, THEREFORE, it is ordered that the State Board hereby issues a Public Reprimand to Rachel Anne Henry, certificate 283505. 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 Order of Public Reprimand shall be

Rachel Anne Henry
283505
s/RAH
Initial
8/18/22
Date

Rachel Anne Henry, Certificate 283505
Order of Public Reprimand
September 13, 2022
Page 3 of 3

posted on the SCDE's website 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
September 13, 2022

I, Rachel Anne Henry, S.C. Educator Certificate 283505, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator certificate holders and that I have waived my right to a hearing in this matter. I understand that the terms set forth in this Consent Order of Public Reprimand are not subject to reconsideration, collateral attack, or judicial review. I have read the Consent Order of Public Reprimand, consisting of three pages, and I freely and voluntarily agree to the terms set forth therein. I understand that this Order will be presented to the South Carolina State Board of Education for approval on Tuesday, August 9, 2022. I understand this Consent Order will not become effective until approved by the State Board and, if not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the State Board to adjudicate this matter. If approved by the State Board, I give the SCDE permission to use my electronic signature in the style of "/S/ name" for required website publication.

s/ Rachel Anne Henry
Rachel Anne Henry

8/18/22
Date