

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Abigaile L. Malburg
Certificate 241884

ORDER OF SUSPENSION

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on September 12, 2023. On May 29, 2020, the South Carolina Department of Education (SCDE) sent Abigaile L. Malburg a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. Ms. Malburg received the notice and indicated she would not request a hearing at that time due to pending criminal charges. On June 12, 2023, the SCDE notified Ms. Malburg the issue would move forward, as the criminal charges appeared to be concluded. The SCDE has verified Ms. Malburg's address. On July 19, 2023, the SCDE informed Ms. Malburg via regular mail that the State Board would meet on August 8, 2023, or as soon thereafter as is feasible, to consider action against her her educator certification. Under the South Carolina Rules of Civil Procedure 5(b), Ms. Malburg has been given fair notice of constitutional due process. Ms. Malburg has not contacted the SCDE to request a hearing and is now in default.

After considering the evidence presented, the State Board voted to suspend Ms. Malburg's educator certificate for a period of two years, commencing on September 12, 2023, and ending on September 11, 2025.

FINDINGS OF FACT

Ms. Malburg holds a valid South Carolina professional educator certificate. She has over twelve years of educator experience and no prior record of disciplinary action with the State Board. At the time of her arrest, Ms. Malburg was employed by the Marion County School District (District) as a teacher at Creek Bridge STEM Academy.

On May 4, 2020, the District informed the SCDE that Ms. Malburg was arrested for conspiracy to distribute heroin and possession of controlled substances. It was alleged Ms. Malburg held these items in her hands while she was a passenger in a companion's vehicle that was pulled over by law enforcement. Ms. Malburg was placed on administrative leave on May 04, 2020, and resigned her

employment with the District effective June 09, 2020. It is the SCDE's understanding the criminal charges against Ms. Malburg were dismissed.

After considering the evidence presented, the State Board voted to accept the Order of Suspension of Ms. Malburg's educator certificate 241884 for a period of two years, commencing on September 12, 2023, and ending on September 11, 2025.

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 (2020); S.C. Code Ann. § 59-25-160 (2020). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (2020); 24 S.C. Code Regs. 43-58 (2020). The State Board finds that the evidence presented demonstrates that Abigaile L. Malburg engaged in unprofessional conduct by her arrest for possession of marijuana and methamphetamine. The State Board further finds that just cause exists for the suspension of Abigaile L. Malburg educator certificate 241884 for a period of two years, commencing on September 12, 2023, and ending on September 11, 2025.

Now, therefore, it is hereby ordered that the educator certificate of Abigaile L. Malburg educator certificate 241884, is suspended for a period of two years, commencing on September 12, 2023, and ending on September 11, 2025.

If Ms. Malburg wishes to have her certificate reinstated at the conclusion of the period of suspension, she shall make a written request to the SCDE's Office of Educator Services. Ms. Malburg shall be responsible for meeting all certification requirements in effect at the time she requests reinstatement and for the payment of any applicable reinstatement fees. The suspension of Ms. Malburg's educator certificate shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

s/Crystal F. Stapleton, Ed.D.

Crystal F. Stapleton, Ed.D., Chair

Columbia, South Carolina
September 12, 2023