

**BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION**

|                                 |   |                   |
|---------------------------------|---|-------------------|
| In the Matter of the Revocation | ) |                   |
|                                 | ) |                   |
| Or Suspension of the            | ) | <b>ORDER OF</b>   |
|                                 | ) |                   |
| Educator Certificate of         | ) | <b>SUSPENSION</b> |
|                                 | ) |                   |
| Patricia Ann McCuen             | ) |                   |
|                                 | ) |                   |
| <u>Certificate 184220</u>       | ) |                   |

**SUMMARY OF THE CASE**

The South Carolina State Board of Education (State Board) considered this matter on October 13, 2011. On September 10, 2010, the South Carolina Department of Education (SCDE) sent notice to Ms. Patricia Ann McCuen of the possible suspension or revocation of her educator certificate by regular and certified mail, return receipt requested. The notice letter was returned to the SCDE marked not deliverable as addressed, unable to forward. The SCDE verified the address to be valid with the United State Post Office. On March 28, 2011, the Richland County Sheriff's Department personally served Ms. McCuen with the SCDE notice letter. Ms. McCuen did not request a hearing within the time specified in the notice and is in default. After considering the evidence presented, the State Board voted to suspend Ms. McCuen's educator certificate for a period of one year, commencing on October 13, 2011, and ending on October 12, 2012.

**FINDINGS OF FACT**

Ms. McCuen holds a professional educator certificate and has over thirteen years of teaching experience. She has no prior record of disciplinary action with the State Board. The Richland County School District Two (District) employed Ms. McCuen as a special education teacher at Polo Road Elementary School for the 2009-2010 school year. Ms. McCuen resigned from the District, effective June 10, 2010, following a District investigation into allegations that Ms. McCuen had a number of irregularities in the special education documentation for her students. These irregularities suggested both

procedural and substantive problems with the provision of special education services to Ms. McCuen's students.

On May 18, 2010, a service provider came to the District for an IEP meeting. A District administrator checked Excent and did not see a scheduled IEP meeting. A staff member then reviewed the special education files for Ms. McCuen's students and discovered a number of procedural and substantive irregularities concerning the provision of special education services to Ms. McCuen's students. Ms. McCuen did not document prior written notices in Excent following IEP meetings and failed to comply with state regulations requiring that a prior written notice be sent to the parents following every IEP meeting. A comparison of the IEPs for Ms. McCuen's students during the 2009-10 school year looked almost identical to the students IEPs for the 2008-09 school year.

The principal and the physical education teacher stated that someone had signed their names as attending a February 3, 2010, IEP meeting when they had not been present at the meeting. The physical education teacher stated that she checked her records, calendar and emails and found that she was not notified of the meeting. She also stated that she did not participate in the development of the student's IEP and did not write any goals and objectives on the IEP on February 3, 2010. A parent of a student was also listed as attending the February 3, 2010, IEP meeting. The parent stated that she had not attended the meeting and that she had never met Ms. McCuen. No minutes were available for the IEP meeting held in February 3, 2010.

On September 10, 2010, SCDE sent notice to Ms. McCuen of the possible suspension or revocation of her educator certificate by regular and certified mail, return receipt requested. The notice letter was returned to the SCDE marked not deliverable as addressed, unable to forward. The SCDE verified the address to be valid with the United State Post Office. On March 22, 2011, the SCDE sent a second notice via personal service by the Richland County Sheriff's Department. On March 28, 2011, Ms. McCuen received the notice by personal service as evidenced by the proof of service from the Richland County Sheriff's Department. Ms. McCuen did not request a hearing within the time specified in the notice and is in default. After considering the evidence presented,

the State Board voted to suspend Ms. McCuen's educator certificate for a period of one year, commencing on October 13, 2011, and ending on October 12, 2012.

### **CONCLUSIONS OF LAW**

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004), S.C. Code Ann. § 59-25-160 (2004), 24 S.C. Code Regs. 43-58 (Supp 2010). Just cause includes unprofessional conduct and any conduct which evidences unfitness for teaching, S. C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Regs. 43-58 (Supp. 2010). The State Board finds that the information presented supports its determination that Ms. McCuen engaged in unprofessional conduct and demonstrated evident unfitness for position for which employed as a result of the procedural and substantive irregularities in her special education documentation for her students, and that just cause exists to suspend Ms. McCuen's educator certificate 184220 for a period of one year, beginning October 13, 2011, and ending on October 12, 2012.

Now, therefore, it is ordered that the State Board suspend the educator certificate of Patricia Ann McCuen, certificate 184220. The suspension of Ms. McCuen's educator certificate 184220 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order with the reasons stated as unprofessional conduct and evident unfitness for position for which employed.

**AND IT IS SO ORDERED.**

South Carolina State Board of Education

By:   
Gerrita Postlewait, Chair

Columbia, South Carolina  
October 13, 2011