

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Voluntary)
Surrender of the Educator)
Certificate of Rex A. Smith)
Certificate 140195)

**CONSENT ORDER OF
PERMANENT VOLUNTARY
SURRENDER**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on December 11, 2013. On November 12, 2013, the South Carolina Department of Education (SCDE) sent notice to Mr. Smith of a pending disciplinary matter involving his South Carolina educator certificate 140195 and his right to a hearing in this matter. Mr. Smith received the notice and contacted the SCDE on November 18, 2013. Mr. Smith stated that he had retired from teaching and desired to seek an alternative resolution in this matter in lieu of a hearing. Mr. Smith informed the SCDE that he desired to waive his right to a hearing and to enter into a Consent Order of Permanent Voluntary Surrender of his educator certificate 140195, effective December 11, 2013.

FINDINGS OF FACT

The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2004).

Mr. Smith holds a professional South Carolina educator certificate and has over twenty-five years of teaching experience. Mr. Smith was employed by the Greenville County School District (District) as a science teacher and softball coach at League Academy of Communication Arts (School). On April 11, 2013, the District placed Mr. Smith on administrative leave during a District investigation. During the investigation, the District learned that Mr. Smith had violated District policy by visiting inappropriate websites on his District computer. On May 16, 2013, Mr. Smith submitted his resignation to be effective June 11, 2013. Mr. Smith has since retired from teaching.

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Rex A.
Smith
140195



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11-27-13

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November 18, 2013. Mr. Smith stated that he had retired from teaching and desired to seek an alternative resolution in this matter in lieu of a hearing. Mr. Smith informed the SCDE that he desired to waive his right to a hearing and to enter into a Consent Order of Permanent Voluntary Surrender of his educator certificate 140195, effective December 11, 2013.

Mr. Smith agrees to the permanent surrender of his South Carolina educator certificate 140195 subject to the following conditions: (1) his educator certificate will become permanently invalid and permanently revoked immediately upon the approval by the State Board of the Consent Order of Voluntary Surrender; (2) he has waived his right to a hearing and understands that the terms set forth are not subject to reconsideration, collateral attack or judicial review; and (3) he understands that the permanent surrender of his educator certificate will be reported to all school districts in South Carolina and the NASDTEC Clearinghouse as a permanent voluntary surrender and permanent revocation.

CONCLUSIONS OF LAW

“The South Carolina Board of Education may, for just cause, revoke or suspend the certificate of any person.” S.C. Code Ann. § 59-25-150 (2004); S.C. Code Ann. § 59-25-160 (2004). Just cause includes, “unprofessional conduct and evident unfitness for position for which employed.” S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Regs 43-58 (Supp. 2011). The State Board finds that the evidence presented by the SCDE, which is undisputed by Mr. Smith, demonstrates that Mr. Smith engaged in unprofessional conduct when he violated District policy by accessing inappropriate sites on his District computer. The evidence presented supports the State Board’s decision to accept the permanent voluntary surrender of educator certificate 140195, issued under the name of Rex A. Smith, and to permanently revoke and render permanently invalid Mr. Smith’s educator certificate effective December 11, 2013.

Now, therefore, it is ordered that the Consent Order of Permanent Voluntary Surrender is accepted and the educator certificate of Rex A. Smith, certificate 140195, is hereby declared permanently invalid and permanently revoked. The permanent voluntary surrender and revocation of the educator certificate of Rex A. Smith, certificate 140195,

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140195


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11-27-13
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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

By: David W. Blackmon
David W. Blackmon, Chair

Columbia, South Carolina
December 11, 2013

I, Rex A. Smith, S.C. Educator Certificate 140195, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of education 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 Agreement are not subject to reconsideration, collateral attack or judicial review; and I hereby freely, knowingly and voluntarily permanently surrender my educator certificate to the South Carolina State Board of Education. I hereby acknowledge that this permanent surrender shall have the same effect as a permanent revocation of my educator certificate. I knowingly forfeit and relinquish all right, title and privilege of holding myself out as an educator and being able to practice as an educator in the public schools in the State of South Carolina. I agree that I will not serve as a volunteer or be employed as an educator, paraprofessional, aide, substitute teacher, band teacher, coach, or in any other position in a public school in the State of South Carolina. I agree to the proposed Consent Order of Permanent Voluntary Surrender, consisting of three pages, and understand that this Order will be presented to the South Carolina State Board of Education on December 11, 2013.

Rex A. Smith
Rex A. Smith

Date 11-27-13