

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of)
)
Karin D. Jackson,)
)
Educator Certificate #258340)
_____)

ORDER OF SUSPENSION

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 8, 2015. The South Carolina Department of Education (SCDE) notified Karin D. Jackson of her right to a hearing regarding the possible suspension of her South Carolina Educator Certificate. Ms. Jackson requested a hearing and such was provided on February 5, 2015 and continued on February 10, 2015. The hearing concerned Ms. Jackson's failure to meet Lexington District 5's (the District) formal evaluation process as an annual contract teacher in two consecutive years.

After considering the evidence presented, the State Board voted to suspend Ms. Jackson's educator certificate for a period of two (2) calendar years commencing on April 9, 2015, and ending on April 9, 2017. In addition, Ms. Jackson is required to complete eighteen semester hours of course work in subjects specified by the South Carolina Department of Education and taken from an accredited institution of higher education that has an approved educator preparation program prior to reinstatement of her certificate. Such coursework must be completed within a five (5) year period beginning April 9, 2015 and ending April 9, 2020.

FINDINGS OF FACT

This case concerns Ms. Jackson's failure to successfully complete the District's formal evaluation process for two consecutive years. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2004) and S.C. Code Ann § 59-25-160 (2004).

Ms. Jackson holds a valid South Carolina Educator Certificate and was employed by Dutch Fork Middle School (DFMS) as a language arts teacher for the 2012-2013 and 2013-2014 school years. In each of those years, Ms. Jackson was evaluated using the Summative ADEPT Formal Evaluation of Teachers ("SAFE-T") model evaluation. She did not successfully complete the evaluation for either year.

SAFE-T is a formal evaluation model for classroom based teachers and is one of the major components of South Carolina's System for Assisting, Developing, and Evaluating Professional Teaching ("ADEPT"). In order to qualify for advancement to a professional teaching certificate and/or to become eligible for employment under a continuing contract, educators must successfully complete the SAFE-T evaluation at the annual contract level.

An evaluation team is appointed for each teacher being evaluated and teachers are evaluated in four broad categories known as "Domains". Each of the Domains contain performance standards and each of the performance standards contain key elements that are essential to the standard. The four domains in which each teacher is evaluated are planning, instruction, classroom environment, and professionalism.

For the 2012-2013 school year, Jackson did not meet three of the four domains, those being planning, instruction, and environment. Although she did not successfully complete the

SAFE-T evaluation, DFMS renewed her contract for the next year. For the 2013-2014 school year, Jackson did not meet one of the four domains, that being environment.

In each of the two school years, a summative meeting was conducted with Jackson regarding the preliminary and the final SAFE-T evaluations. Jackson's performance in each of the domains was discussed in detail with Jackson at this meeting along with suggestions for improvement. After receiving the results of her second year SAFE-T evaluation, Jackson was told that her contract would not be renewed. She elected to submit her resignation which was dated March 24, 2014, effective June 7, 2014. Thereafter, she received a letter dated June 30, 2014 from the South Carolina Department of Education, informing her that her teaching certificate was being suspended and advising her of the course work that would need to be completed to have her certificate reinstated.

Jackson asserted that she was not fairly evaluated for the following reasons:

- a. There was bias on the part of the evaluators;
- b. The school used Jackson's evaluation as a method to reduce the number of language arts teachers as there had been a reduced need for such teachers after embarking on a new school schedule;
- c. The evaluators did not offer her a growth and development plan or sufficient feedback as required in the SAFE-T guidelines.

Each of these assertions is without merit. There was no evidence of bias presented in that only one of the evaluators from the first year served on the evaluation team in the second year. Yet, many of same problems were identified. All but one of Jackson's evaluators testified at the hearing. Their testimony was consistent with regard to the problems identified.

There was no evidence presented that suggested that DFMS used Jackson's evaluation process as a method of reducing the number of language arts teachers. In fact, Jackson's position was replaced after her resignation.

Finally, Jackson's assertions regarding lack of feedback and lack of a growth and development plan were not supported by the testimony and exhibits. Jackson was offered feedback through the use of the Classroom Mosaic Observation Tool as well as one on one conferences. Further, she was offered a growth and development plan as part of her SAFE-T evaluation.

Notably, Ms. Jackson had other appeals procedures available to her to address these issues and failed to avail herself of them. These procedures were more contemporaneous in time to the events complained of and were better suited to address her concerns before reaching the point that her teaching certificate was in danger of suspension. Information regarding the appeals process is available to the public on the Lexington District 5 School Board's web site. In addition, she had an appeals process available to her through S.C. Code Ann. §59-26-40(H) (Supp. 2014) when she became ineligible to be rehired due to her failed SAFE-T evaluation. She did not avail herself of that procedure either. Finally, she had the right to request a hearing before the State Board or their designee with regard to the suspension of her teaching certificate within fifteen days after receipt of the notice of suspension pursuant to S.C. Code Ann. §59-25-200 (2004) and S.C. Code Ann. §59-5-70(B) (2004). She received that notice on June 30, 2014 but did not request a hearing until December 1, 2014. The South Carolina Department of Education waived objection to her failure to make a timely request for such and granted her a hearing.

Jackson also alleged that the District failed to maintain her dossier for the proper length of time thereby denying her the benefit of those documents for purposes of her hearing. This allegation is, likewise, without merit. The evidence presented at the hearing suggests that her request for the documents was beyond the stated period in which those documents must be kept. The SAFE-T guidelines require that a copy of the preliminary and final evaluation cycles must be maintained at the school or the district until the teacher's deadline for all appeals has passed. Jackson began requesting these documents on or about the week of September 22, 2014. The deadline for her appeal to the State Board expired on July 15, 2014, over two months before she requested the documents. Accordingly, DFMS or the District had no requirement to keep documents from the dossier other than the final evaluations after July 15, 2014. Further, Jackson was not prejudiced by the loss of these documents. A portion of the destroyed documents were those submitted by Jackson. Jackson admitted that she had copies of those documents but such were not admitted into evidence. Further, she subpoenaed all but one of her evaluators to testify at the hearing. Thus, any issues involving the contents of the dossier could have been resolved through their testimony since they authored the remaining documents contained in it.

After considering the evidence presented at the hearing held February 5 and February 10, 2015, the State Board finds that the evidence presented demonstrates that Ms. Jackson failed to successfully complete the formal evaluation process required by S.C. Code Ann. § 59-26-40 (Supp. 2014) for two consecutive years. Accordingly, the Board finds that just cause exists to suspend Ms. Jackson's Educator Certificate.

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). Just cause includes, *inter alia*, “incompetence”. S.C. Code Ann. § 59-25-160 (1) (2004).

S.C. Code Ann. §59-26-40 (G) (Supp. 2014) provides that an annual contract teacher who does not successfully complete the formal evaluation process for the second time must not be employed as a classroom teacher in a public school for a minimum of two years. The teacher must complete a state approved remediation plan in the areas of his/her identified deficiencies prior to reentry as an annual contract teacher. The teacher will then be given one additional year to achieve the next contract level. The opportunity for reentry into the professional is only granted to a teacher one time.

S.C. Code Ann. §59-26-40 (H) (Supp. 2014) provides an appeal process for teachers under an annual contract who are not recommended for reemployment at the end of the year. The teacher must request an informal hearing before the district superintendent within fifteen days of receipt of the notice of be not recommended. The district superintendent must hear the case seven to thirty days after receipt of the request. The teacher may provide information, testimony and witnesses. The superintendent must give his/her decision in writing within twenty days of the hearing. The teacher may then appeal the superintendent’s decision to the school district board of trustees within 10 days of receipt of the decision. Failure to appeal within that time frame causes the superintendent’s decision to become final. If a timely appeal is filed, it is within the discretion of the Board of Trustees with regard to whether a hearing is warranted. The decision of the Board is final.

S.C. Code Regs. 43-205.1(IV) provides, in part, as follows:

A. Annual contract teachers do not have full procedural rights under the employment and dismissal provisions of Title 59 but do have the right to an informal hearing before the district superintendent pursuant to §59-26-40.

B. Annual contract teachers must be evaluated using procedures developed in accordance with ADEPT guidelines. These procedures must include the development, implementation, and evaluation of an individualized professional growth plan for each teacher.

D(4). An annual contract teacher that fails the formal evaluation criteria set by the State Board of Education will have his/her teaching certificate automatically suspended by the State Board per §59-5-60 and S.C. Code Regs. 43-58. The teacher will then become ineligible to be employed as a classroom teacher in a public school in this state for a minimum of two years. Before reentry into the profession, the teacher must complete a state-approved remediation plan based on the deficiencies identified in the formal evaluation process. Remediation plans must be developed and implemented in accordance with ADEPT guidelines. ... S.C. Code Regs. 43-58 provides that the State Board of Education has the legal authority to deny, revoke, or suspend a certificate, or issue a public reprimand for the following causes:

(17) failure for a second time to complete successfully the formal evaluation process as an annual contract teacher.

The State Board finds that the evidence presented demonstrates that Ms. Jackson failed to successfully complete the formal evaluation process as an annual contract teacher. As such, S.C. Code Ann. §59-26-40 (G) (Supp. 2014) and S.C. Code Regs. 43-205.1(IV)(D)(4) provide that Ms. Jackson's teaching certificate must be suspended for a minimum of two years the teacher's certificate and she must complete a state approved remediation plan.

We hereby suspend Ms. Jackson's Educator Certificate #258340 for a period of two years, commencing on April 9, 2015, and ending on April 9, 2017. The suspension of Ms. Jackson's Educator Certificate #258340 shall be reported to the NASDTEC Clearinghouse and

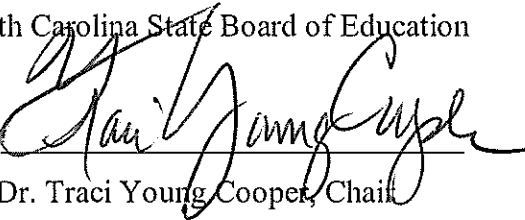
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all South Carolina school districts within thirty days from the date of this order with the reason stated as "ineligible for hire." In addition, Ms. Jackson is required to complete eighteen semester hours of course work in subjects specified by the South Carolina Department of Education and taken from an accredited institution of higher education that has an approved educator preparation program prior to reinstatement of her certificate. Such coursework must be completed within a five (5) year period beginning April 9, 2015 and ending April 9, 2020.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By:

A handwritten signature in black ink, appearing to read "Traci Young Cooper", is written over a horizontal line.

Dr. Traci Young Cooper, Chair

Columbia, South Carolina
April 8, 2015