

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension of)
)
the Certificate of Educator)
)
Carol R. Lear)
)
Certificate 173223)

**CONSENT ORDER OF
SUSPENSION**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on September 13, 2016. On July 29, 2016, the South Carolina Department of Education (SCDE) sent notice to Carol R. Lear informing her that the State Board would meet to make a determination regarding the possible suspension of her educator certificate by regular and certified mail, return receipt requested. Ms. Lear received the notice on August 4, 2016, as evidenced by the signed, postal receipt. On August 10, 2016, Ms. Lear's attorney informed the SCDE, that she reserved her right to a hearing in this matter. Prior to the scheduling of the hearing, Ms. Lear waived her right to a hearing and agreed to enter into a Consent Order of Suspension of her educator certificate 173223 for a period of one year as well as to successfully complete an SCDE approved course in classroom management of disruptive behavior. After considering the evidence presented, the State Board voted to suspended Ms. Lear's educator certificate for the remainder of the 2016-2017 school year, commencing on September 13, 2016, and ending on June 30, 2017.

Carol R.
Lear
173223



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8/22/16
Date

FINDINGS OF FACT

Ms. Lear holds a professional South Carolina educator certificate and has over seventeen years of teaching experience. Ms. Lear obtained her educator certificate after graduating with a Bachelor's degree from Francis Marion University in 1993. The Marion County School District (District) employed Ms. Lear in 2013. Ms. Lear was serving as a behavior modification teacher at Success Academy at Palmetto Education Center (School) during the 2015-2016 school year.

On May 26, 2016, the District placed Ms. Lear on administrative leave after receiving allegations that she used inappropriate physical force with a student. The District was informed that Ms. Lear had allegedly grabbed a child by the collar and “jerked him around” after he refused to comply with her directives. Ms. Lear informed the District that the student was throwing papers on the ground, running around the room, calling other students names, and knocking items from Ms. Lear’s desk onto the floor. Ms. Lear acknowledged that she then grabbed the child by the collar to subdue him. Three staff members intervened during the incident in Ms. Lear’s classroom. On June 2, 2016, Ms. Lear was recommended for termination by the District Superintendent. On June 5, 2016, Ms. Lear resigned from her employment with the District.

On July 29, 2016, the SCDE sent notice to Ms. Lear informing her that the State Board would meet to make a determination regarding the possible disciplinary action of her educator certificate by regular and certified mail, return receipt requested. Ms. Lear received the notice on August 4, 2016, as evidenced by the signed, postal receipt. Ms. Lear’s attorney informed the SCDE on August 10, 2016, that she reserved her right to a hearing in this matter. Prior to the scheduling of the hearing, Ms. Lear agreed to waive her right to a hearing and to enter into this Consent Order of Suspension of her educator certificate 173223 for the remainder of the 2016-2017 school year and to successfully complete an SCDE approved course addressing classroom management of disruptive behavior. After considering the evidence presented, the State Board voted to suspend Ms. Lear’s educator certificate for the remainder of the 2016-2017 school year, commencing on September 13, 2016, and ending on June 30, 2017.

Ms. Lear agrees to the suspension of her educator certificate, subject to the following conditions: (1) her educator certificate will be suspended for the remainder of the 2016-2017 school year commencing on September 13, 2016, and ending on June 30, 2017; (2) she has waived her right to a hearing and understands that the terms set forth are not subject to reconsideration, collateral attack or judicial review; and (3) she will successfully complete an SCDE approved course addressing classroom management of disruptive behavior.

CONCLUSIONS OF LAW

Carol R.
Lear
173223

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8/22/16
Date

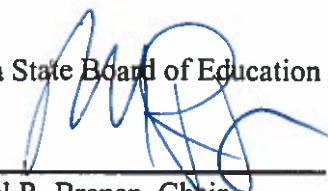
"The South Carolina Board of Education may, for just cause, revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004); S.C. Code Ann. § 59-25-160 (2004). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (2004). The State Board finds that the evidence presented by the SCDE demonstrates that Ms. Lear engaged in unprofessional conduct as a result of her use of inappropriate physical force while disciplining a student. The State Board finds that the information presented supports its conclusion that just cause exists to suspend the educator certificate of Carol R. Lear on the grounds of unprofessional conduct for the remainder of the 2016-2017 school year, commencing on September 13, 2016, and ending on June 30, 2017.

Now, therefore, it is hereby ordered that the educator certificate of Carol R. Lear, certificate 173223, is suspended for the remainder of the 2016-2017 school year, commencing on September 13, 2016, and ending on June 30, 2017. If Ms. Lear wishes to have her educator certificate reinstated at the conclusion of the period of suspension, she shall make a written request to the SCDE's Office of Educator Services and present documentation of successful completion of an SCDE approved course addressing classroom management of disruptive behavior. Ms. Lear 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. Lear 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

By:


Michael R. Brenan, Chair

Carol R.
Lear
173223


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Date

Columbia, South Carolina
September 13, 2016

I, Carol R. Lear, S.C. Educator Certificate 173223, 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 Agreement are not subject to reconsideration, collateral attack or judicial review. I hereby freely, knowingly and voluntarily agree to the suspension of my educator certificate by the South Carolina State Board of Education. I agree to the proposed Consent Order of Suspension, consisting of four pages, and understand that this Order will be presented to the South Carolina State Board of Education on September 13, 2016.


Carol R. Lear


Date



