

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

South Carolina Department of Education,

Petitioner,

vs.

Allison E. Nichols
Educator Certificate #220861

Respondent.

ORDER OF SUSPENSION

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on September 13, 2016. The South Carolina Department of Education (SCDE) notified Allison E. Nichols (Nichols) of her right to a hearing regarding the possible suspension of her South Carolina Educator Certificate via certified letter dated January 27, 2016. Nichols timely requested a hearing and such was held on July 28, 2016. The hearing concerned Nichols' alleged failure to properly supervise special needs students on a school sponsored field trip.

After considering the evidence presented, the State Board voted to suspend Nichols' educator certificate for a period of one (1) calendar day commencing on September 13, 2016, and ending on September 14, 2016.

FINDINGS OF FACT

This is a matter involving incompetent and unprofessional conduct in which Nichols' failure to properly perform her supervisory duties resulted in two students engaging in sexual conduct during a school sponsored field trip. 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).

Nichols holds a valid South Carolina Educator Certificate and was employed by Fort Mill School District as a special education teacher for eleven (11) years. She has twenty-five (25) years of teaching experience and thirty (30) years of experience in the special education field.

On April 17, 2015, Nichols chaperoned a group of special education students on a field trip to York Technical College. The bus video depicting the events that happened on the bus that day was introduced into evidence at the hearing. The video showed that Nichols sat at the front of the bus with two other school chaperones. Students sat immediately behind her on the left and the right rows. However, two students, a male and a female, isolated themselves on the very back row of the bus with numerous seats between them and the closest student. Nichols remained seated throughout the approximately twenty-seven (27) minute bus ride, occasionally glancing back at the students behind her. It was later discovered that the two students on the back row had engaged in oral sex during this bus trip. Nichols had been advised that same week of inappropriate conduct by the male student involved in this incident toward a different female student.

Nichols is a very experienced teacher in the area of special education. As such, she should have known that chaperones need to be positioned in varying locations throughout the bus and that students need to be observed at all times. Further, two students in an isolated position on the bus should have been a cause for concern and closer scrutiny. This coupled with Nichols' knowledge that the male student had exhibited inappropriate conduct toward another female student that same week should have alerted Nichols that heightened scrutiny was necessary. Although a school policy addressing conduct on school buses would have been

preferable, the lack of such a policy does not excuse Nichols' failure to properly supervise these students. Her actions exhibited both incompetence and unprofessional conduct.

After considering the evidence presented at the July 28, 2016 hearing, the State Board finds that the evidence presented demonstrates that Nichols acted in an incompetent and unprofessional manner endangering those in her care. As such, a suspension of her Educator Certificate is warranted. In light of the severity of these circumstances, the Board finds that just cause exists to suspend Nichols' Educator Certificate #220861 for a period of one (1) calendar day, commencing on September 13, 2016, and ending on September 14, 2016.

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" and "unprofessional conduct." S.C. Code Ann. § 59-25-160 (1) and (4) (2004).

The State Board finds that the evidence presented demonstrates that Nichols engaged in incompetent and unprofessional conduct in failing to properly supervise special education students on a school sponsored field trip. Accordingly, the evidence presented supports the State Board's determination that just cause exists to suspend the Educator Certificate of Allison E. Nichols, Educator Certificate #220861, for a period of one (1) calendar day, commencing on September 13, 2016, and ending on September 14, 2016. If Nichols wishes to have her Educator Certificate reinstated at the end of the suspension period, she shall make a written request to the SCDE's Office of Educator Certification, Recruitment, and Preparation, and shall meet all certification requirements in effect at the time she requests reinstatement. Nichols shall also pay all applicable reinstatement fees. The suspension of Nichols' Educator

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Certificate #220861 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty (30) days from the date of this order with the reasons stated as “incompetence” and “unprofessional conduct”.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: 
Michael R. Brennan, Chair

Columbia, South Carolina
September 13, 2016