

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of Revocation)
)
of the Educator Certificate of)
)
David Charles Toth,)
)
)
Certificate 235700)
_____)

ORDER OF REVOCATION
(Default)

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on February 14, 2017. On November 7, 2016, The South Carolina Department of Education (SCDE) sent notice to Mr. Toth a notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. The SCDE utilized Mr. Toth's address on file and the letters sent via regular mail have not been returned. Mr. Toth declined to sign for the notice letters sent by certified mail, return receipt requested, delivery restricted to addressee. On December 20, 2016, the SCDE informed Mr. Toth via regular and certified mail that the State Board would meet on January 10, 2017, to consider the circumstances surrounding his alleged unprofessional behavior and dishonesty by providing inaccurate or incomplete responses on his application for employment with Lexington/Richland School District Five and allegedly engaging in inappropriate conduct with students while employed with the Richland County School District One. On December 29, 2016, Mr. Toth confirmed via voicemail that he received the above-referenced letter dated December 20, 2016, which was forwarded to him by the United States Post Office. He neither left his new mailing address nor a telephone number. Mr. Toth indicated he has no intention of ever teaching again and did not request a hearing. Under the South Carolina Rules of Civil Procedure 5(b), Mr. Toth has been given fair notice of constitutional due process.

After considering the evidence presented, the State Board voted to suspend Mr. Toth's educator certificate for a period of three years, commencing on February 14, 2017, and ending on February 13, 2020.

FINDINGS OF FACT

Mr. Toth holds a professional South Carolina educator certificate and has twelve years of teaching experience. Mr. Toth began his employment with the Lexington/Richland School District Five (District) in 2013, and was most recently a 5th grade teacher at Brennan Elementary

School (School). Mr. Toth resigned effective April 1, 2016, following allegations that he was dishonest and withheld material information regarding his previous District employment.

On February 15, 2016, the Lexington/Richland School District Five (District) notified the SCDE that employee David Charles Toth would be resigning from his position as a teacher at Brennan Elementary School (School). Mr. Toth was put on administrative leave on January 19, 2016, after the District investigated allegations that he was dishonest and further withheld material information regarding his previous District employment. On February 5, 2016, Mr. Toth was allowed to resign in lieu of termination, effective April 1, 2016.

The issue was initially reported to Lexington/Richland School District Five upon the finding of a social media post referencing allegations of inappropriate actions towards a student at Richland One School District. Mr. Toth initially denied the allegations and was placed on administrative leave while the District investigated the matter. The District's investigation revealed a 2013 incident in which it was alleged that Mr. Toth had inappropriate physical contact with a student at Richland One School District. Mr. Toth later resigned by agreement with Richland One in lieu of proceeding with the termination hearing he had requested. He willfully failed and/or refused to disclose this information to the Lexington/Richland Five School District in his application for employment. The investigation further revealed that Mr. Toth had misrepresented the amount of time he was employed with Cape Hatteras Secondary School on his employment application. The Dare County Board of Education confirmed that he resigned from employment 3 months prior to the dates listed on his application with the District. Only after the investigation was concluded and the information was presented to Mr. Toth did he admit to any of these acts and/or omissions.

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 (2016); S.C. Code Ann. § 59-25-160 (2016). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (2016). The State Board finds that the evidence presented demonstrates that Mr. Toth engaged in unprofessional conduct in that he that he was dishonest and further withheld material information regarding his previous District employment.

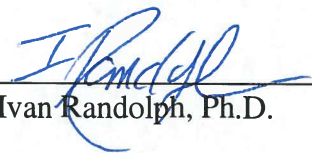
The State Board finds that the evidence presented by the SCDE supports its decision that just cause exists to suspend educator certificate 235700 issued in the name of David Charles Toth commencing on February 14, 2017, and ending on February 13, 2020.

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The revocation of Mr. Toth's educator certificate 235700 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: 
Ivan Randolph, Ph.D.

Columbia, South Carolina
February 14, 2017