

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Ann Elizabeth Higginbotham
Certificate 209345

ORDER OF SUSPENSION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on December 8, 2020. On June 29, 2017, the South Carolina Department of Education (SCDE) sent notice via regular and certified mail, return receipt requested, to Ann Elizabeth Higginbotham concerning the pending action against educator certificate 209345. Ms. Higginbotham, by and through her counsel, timely requested a hearing and such was held on October 6, 2020. This matter is properly before the State Board pursuant to S.C. Code. Ann. §59-25-150 (2017), and referred to a hearing officer pursuant to S.C. Code. Ann. §59-5-70 (2004). After considering the evidence, testimony, and the report and recommendations presented, the State Board voted to suspend the certificate of Ann Elizabeth Higginbotham, Certificate 209345, for a period of one year, commencing on December 9, 2020, and ending on December 8, 2021. Ms. Higginbotham will also be required to complete an approved SCDE anger management counseling.

FINDINGS OF FACT

This is a disciplinary matter involving unprofessional conduct. Ms. Higginbotham holds a professional South Carolina educator certificate, with over ten years of teaching experience, and has no prior record of disciplinary action with the State Board. At the time of the incident, Ms. Higginbotham was a kindergarten teacher at Fort Ponds Elementary School (School) in Lexington County School District One (District).

The hearing officer found that Ms. Higginbotham committed unprofessional conduct by inappropriately disciplining a kindergarten student. Ms. Higginbotham grabbed the student and forced them backwards and into a chair. Once seated, Ms. Higginbotham forcefully put a set of headphones on the student. During the incident, Ms. Higginbotham repeatedly yelled at the

student. An instructional assistant in the room at the time of the incident who observed Ms. Higginbotham's behavior testified at the hearing and was found to be credible.

Ms. Higginbotham testified in her own defense at the hearing. The hearing officer did not find her testimony credible due to prior statements Ms. Higginbotham made about the incident. The hearing officer did not believe Ms. Higginbotham proved her defense claims or that, if proven, the defense claims would provide sufficient excuse for the behavior.

In considering a recommendation of action against Ms. Higginbotham's certificate, the hearing officer consider the time between the incident in 2017 and the hearing in 2020. The hearing officer also considered Ms. Higginbotham's pattern of behavior from incidents in 2015, her relative experience that demonstrated she knew her behavior was inappropriate, and witness statements. The hearing officer recommended a one year suspension of Ms. Higginbotham's educator certification. After hearing the evidence presented, the State Board finds just cause for the suspension of Ann Elizabeth Higginbotham, Certificate 209345, for a period of one year, commencing on December 9, 2020, and ending on December 8, 2021. Ms. Higginbotham will also be required to complete an approved SCDE anger management counseling.

CONCLUSIONS OF LAW

"The State Board may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2016). Just cause includes "unprofessional conduct." S.C. Code Ann. § 59-25-160 (2016); 24 S.C. Code Ann. Regs. 43-58 (2016). The State Board finds that Ms. Higginbotham engaged in unprofessional conduct by using inappropriate force when disciplining a student. The State Board finds that the evidence presented supports its decision that just cause exists to suspend the educator certificate 209345, issued in the name of Ann Elizabeth Higginbotham, commencing on December 9, 2020, and ending on December 8, 2021.

If Ms. Higginbotham wishes to have her certificate reinstated at the conclusion of the period of suspension, she shall make a written request to the SCDE's Office of Educator Services. Ms. Higginbotham 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 Ann Elizabeth Higginbotham, educator certificate 209345, shall be reported to the

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NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order. Ms. Higginbotham will also be required to complete an approved SCDE anger management counseling.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: _____
Michael Brennan, Chair

Columbia, South Carolina
December 8, 2020