

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Rudolph C. Smith
Certificate 272230

ORDER OF SUSPENSION

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on December 8, 2020. On September 30, 2020, the South Carolina Department of Education (SCDE) sent Rudolph C. Smith a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate. The SCDE has verified Mr. Smith's address and the letter sent via regular and certified mail has not been returned. USPS delivered the first notice letter to an agent. The SCDE mailed Ms. Smith a final notice letter on October 22, 2020 advising him that the State Board would meet on December 8, 2020 to consider the matter. Under the South Carolina Rules of Civil Procedure 5(b), Mr. Smith has been given fair notice of constitutional due process. Mr. Smith has not contacted the SCDE to request a hearing and is now in default.

After considering the evidence presented, the State Board voted to suspend Rudolph C. Smith's educator certificate for a period of two years, commencing on December 8, 2020, and ending on December 7, 2022.

FINDINGS OF FACT

Rudolph C. Smith holds a valid South Carolina professional educator certificate. Mr. Smith has over five years of educator experience and has no prior record of disciplinary action with the State Board. Mr. Smith was employed by Charleston County School District (District) as a Resource K-3 teacher, at North Charleston Elementary School (School).

In September 2019, Mr. Smith was reported for non-compliant IEP's, failing to schedule IEP meetings with parents, and for failing to meet with students to fulfill their IEP minutes. On October 14, 2019, Mr. Smith was found asleep on the carpet in his classroom while a student remained unattended. On October 24, 2019, Mr. Smith was found sleeping in his classroom again. For those reasons, Mr. Smith was placed on administrative leave on October 25, 2019. Mr.

Smith commenced his Family Medical Leave Act (FMLA) leave on October 28, 2019 for recovery of a shoulder injury and pain medication that was causing him to fall asleep in class. Mr. Smith was scheduled to return to work on January 9, 2020. On November 13, 2019, Mr. Smith was arrested for possession of narcotics. On February 3, 2020 Mr. Smith extended his FMLA due to being a victim of domestic violence. Mr. Smith was scheduled to return to work on March 19, 2020 providing that his physician stated that he was fit to work. Mr. Smith was then placed on administrative leave again on March 19, 2020 as a result of the investigation into his November 13, 2019 arrest. Mr. Smith was arrested again for possession of narcotics on July 28, 2020. Mr. Smith was subsequently recommended for termination in a letter dated September 11, 2020.

After considering the evidence presented, the State Board voted to accept the Order of Suspension of Rudolph C. Smith's educator certificate 272230 for a period of two years, commencing on December 8, 2020, and ending on December 7, 2022.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (Rev. 2004); S.C. Code Ann. § 59-25-160 (2016). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (2016); 24 S.C. Code Regs. 43-58 (2016). The State Board finds that the evidence presented demonstrates that Rudolph C. Smith engaged in unprofessional conduct for his arrest as a result of possession of an illegal substance and failing to fulfill his responsibilities as a teacher. The State Board further finds that just cause exists for the suspension of Mr. Smith's educator certificate 272230 for a period of two years, commencing on December 8, 2020, and ending on December 7, 2022.

Now, therefore, it is hereby ordered that the educator certificate of Rudolph C. Smith's educator certificate 272230, is suspended for a period of two years, commencing on December 8, 2020, and ending on December 7, 2022.

If Mr. Smith wishes to have the certificate reinstated at the conclusion of the period of suspension, he shall make a written request to the SCDE's Office of Educator Services. Mr. Smith shall be responsible for meeting all certification requirements in effect at the time he requests reinstatement and for the payment of any applicable reinstatement fees. The suspension of Mr.

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Smith's 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: s/Michael Brennan
Michael Brennan, Chair

Columbia, South Carolina
December 8, 2020