

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Oswaldo De Jesus Guerra
Certificate 283688

**GUERRA OSWALDO DE JESUS ORDER OF
SUSPENSION**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on September 13, 2022. On December 1, 2020, the South Carolina Department of Education (SCDE) sent Oswaldo De Jesus Guerra a notice via regular and certified mail, return receipt requested, of his right to a hearing regarding the possible suspension of his South Carolina educator certificate. On December 11, 2020, Mr. Guerra requested a hearing. The hearing was scheduled for August 23, 2022. Mr. Guerra subsequently advised he no longer wished to pursue a hearing and a default should be entered in this matter.

After considering the evidence presented, the State Board voted to suspend Mr. Guerra's educator certificate for a period of one year, commencing September 13, 2022, and ending on September 12, 2023.

FINDINGS OF FACT

The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2018) and S.C. Code Ann. § 59-25-530 (2018). Mr. Guerra holds a valid South Carolina professional educator certificate. He has over eight years of educator experience and has no prior record of disciplinary action with the State Board. At the time of the incident Mr. Guerra was a(n) Educator at Greenwood County High School (School) with Greenwood School District 50 (District).

On April 18, 2017, an administrative complaint was filed against Mr. Guerra's Florida educator certification. On October 26, 2017, his Florida educator certification was suspended for violating Florida's standard assessment policies by providing inappropriate help to students

during the test. During the time period of the administrative complaint and subsequent suspension, Mr. Guerra applied for a South Carolina educator certificate. He also applied and interviewed for a position with the District. At no time during either application or interview process did Mr. Guerra disclose the suspension of his Florida certification, despite both applications asking for this information. The SCDE's Office of Educator Services learned of the Florida suspension and Mr. Guerra's dishonesty in 2020.

After considering the evidence presented, the State Board voted to accept the Order of Suspension of Mr. Guerra's educator certificate 283688, for a period of one year, commencing on September 13, 2022, and ending on September 12, 2023.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." Just cause includes, inter alia, "unprofessional conduct" and "willful violation of the rules and regulations of the State Board of Education." 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 Mr. Guerra engaged in unprofessional conduct due to dishonesty concerning his educator credentials. The State Board further finds that just cause exists for the suspension of Mr. Guerra's educator certificate 283688 for a period of one year, commencing on September 13, 2022, and ending on September 12, 2023.

Now, therefore, it is hereby ordered that the educator certification of Oswaldo De Jesus Guerra, educator certificate 283688, is suspended for a period of one year, commencing on September 13, 2022, and ending on September 12, 2023.

If Mr. Guerra wishes to have his educator 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. Guerra 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. Guerra's educator certificate 283688 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

Oswaldo De Jesus Guerra, Certificate 283688

ORDER OF SUSPENSION

September 13, 2022

Page 3 of 3

AND IT IS SO ORDERED.

South Carolina State Board of Education

s/Alan Walters

Alan Walters, Chair

Columbia, South Carolina

September 13, 2022