

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Seth N. Smith
Certificate 213921

CONSENT ORDER OF SUSPENSION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on December 12, 2023. On November 6, 2023, the South Carolina Department of Education (SCDE) sent a notice via regular and certified mail, return receipt requested, to Seth N. Smith regarding the possible suspension of his South Carolina educator certificate 213921. After Mr. Smith received the notice, he contacted the SCDE to discuss an alternative resolution. He has agreed to waive his right to a hearing and enter into this Consent Order of Suspension of educator certificate 213921 for a period of three years.

After considering the evidence presented, the State Board voted to accept the Consent Order of Suspension of Mr. Smith's educator certificate for a period of three years, commencing on December 12, 2023, and ending December 11, 2026.

FINDINGS OF FACT

Mr. Smith holds a suspended South Carolina educator certificate. He has over fifteen years of educator experience and has no prior record of disciplinary action with the State Board. At the time of the incident, Mr. Smith was employed by Lexington County School District One (District) as a teacher at Midway Elementary School (School).

The State Board summarily suspended Mr. Smith's educator certification on September 19, 2023, after his arrest for carrying a weapon on school property. It was alleged that an unloaded gun was found in Mr. Smith's classroom. Mr. Smith admitted to bringing a box of miscellaneous things from his home into the classroom. He did not realize the gun was in the box at the time and subsequently forgot to fully remove the gun from

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s/SS
Initial
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the classroom. The criminal charges in this matter are still pending. However, Mr. Smith has agreed to this suspension of his educator certification.

After considering the evidence presented, the State Board voted to accept the Consent Order of Suspension of Mr. Smith's educator certificate 213921 for a period of three years, commencing on December 12, 2023, and ending on December 11, 2026.

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 (2020); S.C. Code Ann. § 59-25-160 (2020). Just cause includes "incompetence; willful neglect of duty; willful violation of the rules and regulations of the State Board of Education; unprofessional conduct; drunkenness; cruelty; crime against the law of this State or the United States; immorality; any conduct involving moral turpitude; dishonesty; evident unfitness for position for which employed; or sale or possession of narcotics." S.C. Code Ann. § 59-25-160 (2020); S.C. Code Ann. Regs. 43-58 (2016). The State Board finds that the evidence presented demonstrates that Mr. Smith engaged in unprofessional conduct by bringing an unsecured gun onto school grounds. The State Board further finds that just cause exists for the suspension of Mr. Smith's educator certificate for a period of three years, commencing on December 12, 2023 and ending on December 11, 2026.

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. Smith's educator certificate 213921 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

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s/SS
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Now, therefore, it is hereby ordered that the educator certificate of Seth N. Smith, certificate 213921, is suspended for a period of three years, commencing on December 12, 2023, and ending on December 11, 2026.

AND IT IS SO ORDERED.

South Carolina Board of Education

s/Crystal F. Stapleton, Ed.D.

Crystal F. Stapleton, Ed.D., Chair

Columbia, South Carolina
December 12, 2023

I, Seth N. Smith, SC Educator Certificate 213921, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator certificate holders and that I have waived my right to a hearing in this matter. I understand the terms set forth in this Consent Order of Suspension are not subject to reconsideration, collateral attack, or judicial review. I agree to the terms of this Consent Order of Suspension, consisting of three pages, and understand that this Order will be presented to the State board for approval on December 12, 2023. I understand this Order will not become effective until approved by the State Board and, if not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the State Board to adjudicate this matter. If approved by the State Board, I have the SCDE permission to use my electronic signature in the style of "s/name" for required website publication.

s/Seth N. Smith
Seth N. Smith

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Date

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