

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

ORDER OF SUMMARY SUSPENSION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on September 19, 2023. In accordance with S.C. Code Ann. § 1-23-370(c) (2020), § 59-5-10 (2020), and State Board Rule of Governance BBABA, the South Carolina Department of Education (SCDE) requested that the Chair of the State Board summarily suspend the educator certificate of Seth N. Smith, educator certificate 213921, as a result of his arrest for the felony of carrying weapons on school property, in violation of S.C. Code Ann § 16-23-430.

The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Smith may pose a threat to the health, safety, and welfare of students, who may be under his instruction and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Mr. Smith's educator certificate shall be summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Mr. Smith of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. Smith holds a South Carolina educator certificate and has over fifteen years of educator experience. 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). He has resigned from the District.

According to reports from the Lexington County Sheriff's Department, Mr. Smith brought boxes from home to the School on Thursday, August 31, 2023. Mr. Smith discovered a handgun in one of the boxes and put it aside to take back home. He subsequently forgot about the weapon, which was discovered in the classroom the following morning by another staff member. Mr. Smith was charged with possession of a firearm on school property. The gun was unloaded at the time it was found. However, ammunition is listed as property in the incident report, as well as the handgun's box, a sentry safe with unknown contents, and a speed loader for the handgun.

The SCDE has reason to believe that, due to the serious nature of this allegation of misconduct, Mr. Smith may pose a threat to the health, safety, and welfare of students who may be under his instruction, and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Mr. Smith's educator certificate shall be summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Mr. Smith of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

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 (2020); S.C. Code Ann. § 59-25-160 (2020). Just cause includes unprofessional conduct, crime against the law of this State, and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2020); 24 S.C. Code Regs. 43-58 (2021). In accordance with S.C. Code Ann. § 1-23-370(c) (2020), "If the agency finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action." Pursuant to S.C. Code Ann. § 59-5-10 (2020) and State Board Rule of Governance BBABA, the Chair of the State Board finds that as a result of the allegations of Mr. Smith's unprofessional conduct, crime against the law of this State or the United States, due to his arrest and unlawful carrying of a firearm, there is reason to believe Mr.

Smith may pose a threat to the health, safety, and welfare of students and emergency action is required.

Accordingly, the educator certificate of Seth N. Smith, certificate number 213921, is summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Mr. Smith of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

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
September 19, 2023