BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation of the Educator Certificate of Rhonda T. Gaffney Certificate 170798	)	**ORDER OF PERMANENT REVOCATION**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on May 12, 2011. On December 8, 2009, the South Carolina Department of Education (SCDE) sent a notice to Ms. Rhonda T. Gaffney concerning her right to a hearing regarding the possible suspension of her South Carolina educator certificate by certified mail, return receipt requested, delivery restricted to addressee. The notice was returned to the SCDE. The SCDE verified the address of Ms. Gaffney and sent a second notice to be personally served on Ms. Gaffney by the Spartanburg County Sheriff's Office. On April 8, 2010, the SCDE received the proof of service from the Spartanburg County Sheriff's Office stating that Ms. Gaffney had been personally served with the notice on April 5, 2010. Ms. Gaffney did not request a hearing within the time frame specified in the notice letter and is in default. After considering the evidence presented, the State Board votes to permanently revoke Ms. Gaffney's certificate 170798, effective May 12, 2011.

FINDINGS OF FACT

Ms. Gaffney holds a valid South Carolina professional educator certificate and has over thirteen years of teaching experience. She has no prior record of disciplinary actions with the State Board. Ms. Gaffney was employed by the Spartanburg County School District Seven (District) as a fourth grade teacher at Boyd Elementary School, until she resigned on March 26, 2009, following an investigation into allegations that Ms. Gaffney engaged in inappropriate communication with a sixteen-year-old high school student by sending and receiving inappropriate text messages and pictures.

A father of a tenth grade student at Spartanburg High School learned that his son had engaged in inappropriate communication with Ms. Gaffney. The inappropriate exchange included text and picture messages. The student's father informed the superintendent that his son had shared with his church youth leader that the inappropriate exchanges were happening and that he desired that the communication stop. The student allegedly had informed Ms. Gaffney in a text message that he wanted to end the text exchanges and Ms. Gaffney objected to ending the communication. On March 25, 2009, the superintendent instructed the principal of Boyd Elementary School to place Ms. Gaffney on administrative leave with pay pending investigation into the allegations.

The District investigated the allegations and confirmed that Ms. Gaffney had exchanged text messages of a sexual nature with the student and that some of the text messages also included pictures of a sexual nature. In a conference with Ms. Gaffney regarding the investigation, Ms. Gaffney affirmed most of the allegations and admitted she had sent the text messages and a nude picture of herself to the male student. She admitted that the male student had sent her text messages and inappropriate pictures. After District administration informed Ms. Gaffney that she would not be returning to school or be employed any longer by the District, Ms. Gaffney chose to resign.

On December 8, 2009, the South Carolina Department of Education (SCDE) sent a notice to Ms. Rhonda T. Gaffney concerning her right to a hearing regarding the possible suspension of her South Carolina educator certificate by certified mail, return receipt requested, delivery restricted to addressee. The notice was returned as unclaimed to the SCDE. SCDE verified the address of Ms. Gaffney and sent a second notice to be served by the Spartanburg County Sheriff's Office. On April 8, 2010, SCDE received the proof of service for the Spartanburg County Sheriff's Office. Ms. Gaffney received the notice, as evidenced by the proof of service dated April 5, 2010, from the Spartanburg County Sheriff's Office. Ms. Gaffney did not request a hearing within the time frame specified in the notice letter and is in default. After considering the evidence presented, the State Board voted to permanently revoke Ms. Gaffney's certificate, effective May 12, 2011.

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 (2004). Just cause includes "unprofessional conduct, immorality and evident unfitness for position for which employed." S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Regs. 43-58 (Supp. 2010). The State Board finds that the evidence presented supports its conclusion that Ms. Gaffney has engaged in unprofessional conduct, immorality and demonstrated evident unfitness for position for which employed as a result of her inappropriate communication with a sixteen-year-old high school student by sending and receiving text messages and pictures of a sexual nature. The State Board finds that just cause exists to permanently revoke the educator certificate of Rhonda T. Gaffney.

Now, therefore, it is hereby ordered that the educator certificate of Rhonda T. Gaffney, certificate 170798, is hereby permanently revoked. The permanent revocation of Ms. Gaffney'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 with the reason stated as "unprofessional conduct, immorality and evident unfitness for position for which employed."

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: Gerrita Postlewait

Gerrita Postlewait, Chair

Columbia, South Carolina
May 12, 2011