

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the)
)
Disciplinary Action of the)
)
Educator Certificate of)
)
Jonathan M. Richards)
)
Certificate 183961)

**CONSENT ORDER OF
PUBLIC REPRIMAND**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 11, 2019. On April 30, 2019, the South Carolina Department of Education (SCDE) sent Jonathan M. Richards a notice letter by certified mail, return receipt, restricted delivery, and regular mail, regarding possible action against his educator certificate. After receiving the notice letter, Mr. Richards contacted the SCDE and advised that he desired to waive his right to a hearing and pursue an alternative resolution in this matter. After considering the evidence presented, the State Board voted to accept the Consent Order of Public Reprimand.

FINDINGS OF FACT

Mr. Richards holds a valid South Carolina professional educator certificate and has over twenty years of teaching experience. He has no prior record of disciplinary action with the State Board. Mr. Richards is employed by Lexington School District One (District) as a teacher at River Bluff High School (School).

On May 22, 2018, Mr. Richards had his "Path 9" class take the EOCEP test for United States History in the School's Learning Commons Classroom, beginning at 12:00 p.m. During the examination, the School Testing Coordinator, Mr. Richards, and an Assistant Principal were informed by another teacher that a student disclosed that cheating was occurring during the test. Mr. Richards called the School Testing Coordinator to the testing room. The School Testing Coordinator entered the testing room and discovered a student was surreptitiously taking photographs of questions, text messaging the questions to others, and then entering their answers as her own. In all, the student sent thirty-nine questions to one party, and four questions to another party. The student acknowledged Mr.

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Richards informed her prior to the test of the mobile phone policy and the expectation that students not have any electronics on their person. The student indicated she knew it was wrong to take the pictures and send them, but she was trying to do well on the test.

Initially, Mr. Richards stated in writing that his computer was used for email during the test administration. However, IT records indicated a significant amount of time was used to access social media and news media websites during the testing period. Further, student interviews established Mr. Richards did not actively monitor the testing room by circulating throughout the room during the examination as was required. Following the District's investigation, Mr. Richards was allowed to return to work, on condition that he fully complied with all District rules and policies, and that he use District-provided technology for instructional purposes only.

On June 11, 2018, the SCDE Office of General Counsel was notified by the SCDE's Office of Assessment of the testing violation in the District. The SCDE reported the alleged test security violation to the South Carolina Law Enforcement Division (SLED). SLED reported the violation to the Eleventh Judicial Circuit Office of the Solicitor. On September 21, 2018, the Solicitor's Office found the case did not have any prosecutorial merit. During the Office of General Counsel's investigation, Mr. Richards lamented he made a mistake and that the bottom line was that a student cheated and he should have caught it.

Mr. Richards has agreed to waive his right to a hearing and to resolve this disciplinary matter by entering into this Consent Order of Public Reprimand, subject to the following terms: (1) a Public Reprimand shall be issued by the State Board, (2) the Public Reprimand shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order, and (3) the Consent Order of Public Reprimand shall be posted on the SCDE's website and shall be maintained as a public record in the SCDE's Office of General Counsel. After considering the evidence presented, the State Board voted to accept the Consent Order of Public Reprimand with the terms set forth above.

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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 (2017); S.C. Code Ann. § 59-25-160 (2017). Just cause includes unprofessional conduct and violation of the rules and regulations of the State Board of Education. S.C. Code Ann. § 59-25-160 (2017); 24 S.C. Code Regs. 43-58 (2017). Further, 24 S.C. Code Regs. 43-100 provides, “Each of the following is considered a breach of professional ethics which may jeopardize the validity of the inferences on the basis of test data and, as such, are viewed as security violations which could result in criminal prosecution and/or disciplinary action to an educator’s professional certificate. . . . (C) Failing to proctor the test to ensure that examinees are engaged in appropriate test-taking activities.” The State Board finds that the evidence presented by the District would not support a conclusion that just cause exists to suspend or revoke the educator certificate of Jonathan M. Richards; however, the evidence that would be presented would support a conclusion that Mr. Richards engaged in unprofessional conduct by using a District computer to look at non-work related matter during student testing, which resulted in him failing to proctor the end-of-course examination in a way that ensured the examinees were engaged in appropriate test-taking activities. This enabled, at least in part, a student to engage in a complex cheating scheme without detection for some time. The State Board further finds that just cause exists for the issuance of a Public Reprimand to Mr. Richards by the State Board.

Now, therefore, it is ordered that the State Board hereby issues a Public Reprimand to Jonathan M. Richards, certificate 183961. The Public Reprimand shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order with the grounds listed as “unprofessional conduct.” This Consent Order of Public Reprimand shall be posted on the SCDE’s web site and shall be maintained as a public record in the SCDE’s Office of General Counsel.

(signature page attached)

AND IT IS SO ORDERED.

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South Carolina State Board of Education

s/Del-Gratia Jones
Del-Gratia Jones, Chair

Columbia, South Carolina
June 11, 2019

I, Jonathan M. Richards, S.C. Educator Certificate 183961, 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 that the terms set forth in this Consent Order of Public Reprimand are not subject to reconsideration, collateral attack or judicial review. I have read the Consent Order of Public Reprimand, consisting of four pages, and I freely and voluntarily agree to the terms set forth therein. I understand that this Order will be presented to the South Carolina State Board of Education for approval on Tuesday, June 11, 2019. I understand this Consent 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 give the SCDE permission to use my electronic signature in the style of “/S/ name” for required website publication.

s/Jonathan M. Richards
Jonathan M. Richards

5/28/19
Date