

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Permanent)
Voluntary Surrender of the Educator)
Certificate of Charles Kaleb)
Smith)
Certificate 260436)

CONSENT ORDER OF PERMANENT VOLUNTARY SURRENDER

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on May 14, 2019. On June 15, 2016, the South Carolina Department of Education (SCDE) sent notice to Charles Kaleb Smith, via regular mail and certified mail, restricted delivery, regarding possible disciplinary action to be taken against his educator certificate, 260436. Mr. Smith received the notice and informed the SCDE through his counsel that he desired to waive his right to a hearing and enter into a Consent Order of Permanent Voluntary Surrender of his educator certificate 260436, effective March 12, 2019. After considering the evidence provided, the State Board has agreed to accept the Consent Order of Permanent Voluntary Surrender of Charles Kaleb Smith, effective May 14, 2019.

FINDINGS OF FACT

Mr. Smith holds a suspended professional South Carolina educator certificate and has over two years of educator experience. He has no prior record of disciplinary action with the State Board.

Mr. Smith was a physical education teacher and basketball coach at Starr-Iva Middle School (School) with Anderson County School District Three (District). Mr. Smith resigned from the District after allegations arose of an inappropriate relationship with a 17-year-old high school student in the District. Since his resignation, Mr. Smith has found successful work outside of the educational field.

Mr. Smith does not wish to return to teaching and agrees to the permanent surrender of his South Carolina educator certificate 260436 subject to the following conditions: (1) his educator certificate will become permanently invalid immediately upon the approval by the State Board of the Consent Order of Permanent Voluntary Surrender; (2) he has waived his right to a hearing and understands that the terms set forth are not subject to

Charles
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reconsideration, collateral attack or judicial review and; (3) he understands that the permanent voluntary surrender of his educator certificate will be reported to all school districts in South Carolina and the NASDTEC Clearinghouse.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004); S.C. Code Ann. § 59-25-160 (Supp. 2017). Just cause includes "unprofessional conduct." S.C. Code Ann. § 59-25-160 (Supp. 2017); 2 S.C. Code Regs 43-58 (2017). The State Board finds that the evidence presented by the SCDE demonstrates Mr. Smith engaged in unprofessional conduct as a result of his inappropriate relationship with a 17-year-old high school student. The evidence presented supports the State Board's decision to accept the Consent Order of Permanent Voluntary Surrender of educator certificate 260436, issued under the name of Charles Kaleb Smith, effective May 14, 2019.

Now, therefore, it is ordered that the Consent Order of Permanent Voluntary Surrender is accepted and the expired educator certificate of Charles Kaleb Smith, certificate 260436, is hereby declared invalid. The permanent voluntary surrender of the educator certificate of Charles Kaleb Smith, certificate 260436, shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By:


Del-Gratia Jones, Chair

Columbia, South Carolina
May 14, 2019

(Signature page attached.)

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I, Charles Kaleb Smith, S.C. Educator Certificate 260436, 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 Agreement of Permanent Voluntary Surrender are not subject to reconsideration, collateral attack or judicial review; and I hereby freely, knowingly and voluntarily surrender my educator certificate to the South Carolina State Board of Education. I hereby acknowledge that this permanent voluntary surrender shall have the same effect as a permanent revocation of my educator certificate. I knowingly forfeit and relinquish all right, title and privilege of holding myself out as and being able to practice as an educator in the public schools in the State of South Carolina. I agree that I will not serve as a volunteer or be employed as an educator, paraprofessional, aide, substitute teacher, band teacher, coach, or in any other position in a public school in the State of South Carolina. I understand the designation of public school includes charter schools. I agree to the proposed Consent Order of Permanent Voluntary Surrender, consisting of three pages, and understand that this Consent Order will be presented to the South Carolina State Board of Education on May 14, 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.


Charles Kaleb Smith

04/04/19
Date