

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the)
)
Disciplinary Action of the)
)
Educator Certificate of)
)
Susan T. Fender)
)
Certificate 239886)

**CONSENT ORDER OF
PUBLIC REPRIMAND**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on January 8, 2019. On August 1, 2018, the South Carolina Department of Education (SCDE) sent Susan T. Fender a notice letter by certified mail, return receipt, restricted delivery, and regular mail, regarding possible action against her educator certificate. After receiving the notice letter, Ms. Fender's counsel contacted the SCDE and advised that she desired to waive her 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

Ms. Fender holds a valid South Carolina professional educator certificate and has over nine years of teaching experience. She has no prior record of disciplinary action with the State Board. At the time of the incident, Ms. Fender was employed by School District Five of Lexington and Richland Counties (District) as a teacher at Lake Murray Elementary School (School). Ms. Fender resigned from the District, effective April 10, 2018, for medical reasons.

On November 16, 2017, Ms. Fender's coworkers became concerned about the inappropriate conduct she was displaying in front of students and staff. Upon investigation, School administration found that Ms. Fender had left School grounds during the day in order to obtain and drink alcohol. Ms. Fender does not recall her actions on the day in question. However, Ms. Fender has apologized for any offense committed on that day.

Susan T.
Fender
239886

Initial

Date

The day after the incident, Ms. Fender sought and obtained help for alcohol abuse. She has continued this treatment for over a year. Ms. Fender has been teaching in a new school district with no reports of unprofessional conduct.

Ms. Fender has agreed to waive her 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.

CONCLUSIONS OF LAW

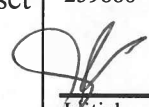
"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2017); S.C. Code Ann. § 59-25-160 (2017). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (2017); 24 S.C. Code Regs. 43-58 (2017). The 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 Susan T. Fender; however, the evidence that would be presented would support a conclusion that Ms. Fender engaged in unprofessional conduct as a result of her drinking alcohol during working hours. The State Board further finds that just cause exists for the issuance of a Public Reprimand to Ms. Fender by the State Board.

Now, therefore, it is ordered that the State Board hereby issues a Public Reprimand to Susan T. Fender, certificate 239886. 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.

Susan T.
Fender
239886

Initial

Date


12/11/18

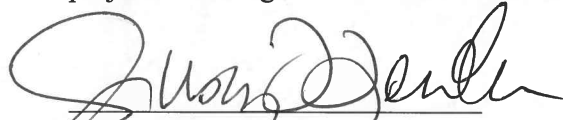
AND IT IS SO ORDERED.

South Carolina State Board of Education


Del-Gratia Jones, Chair

Columbia, South Carolina
January 8, 2019

I, Susan T. Fender, S.C. Educator Certificate 239886, 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 three 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, January 8, 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.


Susan T. Fender

12/11/18
Date