

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the

Disciplinary Action of the

Educator Certificate of

Tracy Lee Smith

Certificate 133634

ORDER OF PERMANENT REVOCATION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on August 13, 2019. On February 22, 2019, the Chair of the State Board summarily suspended Mr. Smith's South Carolina educator certificate. On February 22, 2019, the South Carolina Department of Education (SCDE) sent the summary suspension order and a notice letter to Mr. Smith regarding the possible suspension or revocation of his South Carolina educator certificate. The SCDE subsequently sent Mr. Smith a second notice letter on May 21, 2019. After Mr. Smith failed to respond to either of the notice letters, the SCDE sent Mr. Smith a final notice letter on May 31, 2019. The SCDE utilized Mr. Smith's address from the Certification Portal System and a search of public records. The SCDE has verified Mr. Smith's address. Under the South Carolina Rules of Civil Procedure 5(b), Mr. Smith has been given fair notice of constitutional due process. Mr. Smith has not contacted the SCDE to request a hearing and is now in default. After considering the evidence presented, the State Board voted to permanently revoke Mr. Smith's educator certificate 133634, effective August 13, 2019.

FINDINGS OF FACT

Mr. Smith holds a suspended South Carolina educator certificate and has over thirty-five years of teaching experience. Mr. Smith retired from the Aiken County School District in 2016. On February 19, 2019, the South Carolina Attorney General's Office announced the arrest of Mr. Smith on the charges of 11 felony counts of sexual exploitation of a minor, second degree, and 14 felony counts of sexual exploitation of a minor, third degree. The charges stem from allegations that Mr. Smith possessed and distributed child pornography.

Mr. Smith's criminal charges are still pending. Mr. Smith has not responded to the notice letters from the SCDE and has not requested a hearing in this matter. The SCDE has considered

evidence provided by the District and law enforcement. After considering the evidence presented, the State Board voted to permanently revoke Mr. Smith's educator certificate 133634, effective August 13, 2019.

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 (2016). Just cause includes "unprofessional conduct, crime against the law of this State or the United States, evident unfitness for position for which employed, and sale or possession of narcotics." S.C. Code Ann. § 59-25-160 (2016); 24 S.C. Code Ann. Regs. 43-58 (2016). The State Board finds that Mr. Smith engaged in unprofessional conduct, immorality, any conduct involving moral turpitude, and crime against the law of this State or the United States due to the allegations of possession and dissemination of child pornography.

The State Board finds that the evidence presented by the SCDE supports its decision that just cause exists to permanently revoke educator certificate 133634, issued in the name of Tracy Lee Smith, effective August 13, 2019. The permanent revocation of Mr. Smith's educator certificate 133634 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: s/Del-Gratia Jones
Del-Gratia Jones, Chair

Columbia, South Carolina
August 13, 2019