

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)
)
Or Suspension of the)
)
Educator Certificate of)
)
Leon D. Johnson, Jr.)
)
Certificate 145020)

**ORDER OF
SUSPENSION**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 14, 2011. On July 26, 2010, the South Carolina Department of Education (SCDE) sent notice to Mr. Leon D. Johnson, Jr. of the possible suspension or revocation of his educator certificate by regular and certified mail, return receipt requested. On or August 2, 2010, Mr. Johnson received the notice as evidence by a signed receipt bearing his signature. On August 5, 2010, Mr. Johnson sent a letter to the SCDE requesting a hearing in this matter. The SCDE received this letter on August 6, 2010. On November 15, 2010, a hearing was held before the State Board hearing officer Geraldine H. Urbanic, Esquire, in Columbia, South Carolina. Appearing at the hearing were the SCDE represented by Wendy B. Cartledge, Esquire, and teacher, Leon D. Johnson, Jr., *pro se*.

On April 14, 2011, Ms. Urbanic presented her findings and recommendations to the State Board, and, after careful deliberation, the State Board voted to suspend Mr. Johnson's educator certificate for a period of one year, commencing on April 14, 2011, and ending on April 13, 2012. Mr. Johnson must submit to drug testing monthly during the course of the suspension and must submit the results monthly to the SCDE. If Mr. Johnson fails any drug screen or fails to submit test results, the SCDE may request the State Board revoke his teaching credentials.

FINDINGS OF FACT

The State Board has jurisdiction of this matter pursuant to S.C. Code Ann. § 59-25-150 (2004). Mr. Johnson was employed by Horry County School District (District) as a physical education teacher at Daisy Elementary School and as an assistant cross country and track coach at Loris High School.

Mr. Johnson admitted that he tested positive for cocaine, but has never failed a drug screen in the past. Mr. Johnson stated that he only experimented with any controlled substance once and has never had any disciplinary actions during more than thirty years in education.

The OCC DOC manager testified concerning the process of random drug screening and the proper chain of custody. The first half of the specimen collected from Mr. Johnson during a random drug screen on April 27, 2010, was sent to Med Tox Laboratories in St. Paul Minnesota. The results of the test came back positive for cocaine. Mr. Johnson was notified of the results and requested that the second half of the specimen be tested. The second half of the specimen was sent to Clinical Reference Laboratory in Lenexa Kansas. The results of the second test also came back positive for cocaine.

The District Director of Human Resources for Horry County Schools testified that he supported the termination of Mr. Johnson because of the seriousness of perhaps placing the students at risk with a possibly impaired person operating a school or athletic bus.

The District Chief Finance and Human Resources Officer for Horry County Schools testified that employees who have the opportunity to drive school buses to athletic events are subject to random drug screening.

The District Director of Transportation for Horry County Schools testified that random drug screening is done on all District employees who hold a commercial driver's license and that the screening is done to ensure the safety of the students.

Mr. Johnson testified that he went to Myrtle Beach with some old friends from college that he had not seen in thirty or more years. Mr. Johnson testified that he did not know that one of the friends "did drugs" and had he known, he would not have gone.

Mr. Johnson testified that he did not know why he "sniffed" some of the cocaine on the back of his hand. Mr. Johnson testified that he had never done cocaine in the past and had no intention of ever doing so in the future. Mr. Johnson testified that he is willing to undergo drug testing to keep his educator certificate.

The SCDE has shown that Leon D. Johnson, Jr. engaged in unprofessional conduct and evident unfitness for his position for which employed as a result of his violation of the laws of this State by testing positive for cocaine during a random drug screen and that "just cause" exists for the suspension of Mr. Johnson's educator certificate for a period of one year, commencing on April 14, 2011 and ending on April 13, 2012. Mr. Johnson admitted that he violated the laws of this State by using and testing positive for cocaine.

RECOMMENDATIONS

Having found from the evidence presented that the conduct of Mr. Leon D. Johnson, Jr. engaged in unprofessional conduct and evidenced unfitness for his position for which employed, as a result of his violation of the laws of this State, by testing positive for cocaine during a random drug screen. Ms. Urbanic recommended that the State Board suspend Mr. Leon D. Johnson's educator certificate for a period of one year, beginning on April 14, 2011 and ending on April 13, 2012. Mr. Johnson must submit to drug testing monthly during the course of the suspension and must submit the results monthly to the SCDE. If Mr. Johnson fails any drug screen or fails to submit test results, the SCDE may request the State Board revoke his teaching credentials.

CONCLUSIONS OF LAW

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004), S.C. Code Ann. § 59-25-160 (2004), 24 S.C. Code Regs. 43-58 (Supp 2010). Just cause includes unprofessional conduct and any conduct which evidences unfitness for teaching, S. C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Regs. 43-58 (Supp. 2010). The State Board finds that the

information presented supports its determination that just cause exists to suspend Mr. Johnson's educator certificate 145020 for a period of one year, beginning April 14, 2011 and ending on April 13, 2012.

Now, therefore, it is ordered that the State Board suspend the educator certificate of Leon D. Johnson, Jr., certificate 145020. The suspension of Mr. Johnson's educator certificate 145020 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:  _____
Gerrita Postlewait, Chair

Columbia, South Carolina
April 14, 2011