BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension of the Educator Certificate of John M. Scruggs, Certificate 210224	)	**ORDER OF SUSPENSION**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 11, 2012. On September 20, 2011, the South Carolina Department of Education (SCDE) sent Mr. John M. Scruggs a notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate and a National Board Certification Default Repayment Agreement (Repayment Agreement), via certified mail, return receipt requested and regular mail. The certified mail was returned marked, "unclaimed," but the regular mail was not returned to the SCDE. On September 26, 2011, the SCDE sent another notice, via certified mail, return receipt requested and regular mail to a second address on record for Mr. Scruggs. The certified mail was returned marked "unclaimed," but the regular mail was not returned to the SCDE.

On November 3, 2011, the SCDE Office of Finance received a signed copy of the Repayment Agreement dated October 25, 2011, and signed by Mr. Scruggs. The terms of the Repayment Agreement provided that Mr. Scruggs agreed to repay the outstanding balance of $1250.00 in monthly installments of $104.17, until the loan balance was paid in full. The SCDE has never received any payments from Mr. Scruggs.

After considering the information presented by the SCDE, the State Board voted to suspend Mr. Scruggs's educator certificate until he repays the full amount owed on his outstanding loan with the State of South Carolina obtained through the Center for Teacher Education, Recruitment, Retention and Advancement (CERRA).

FINDINGS OF FACT

Mr. Scruggs holds a valid South Carolina educator certificate and has nine years of teaching experience. On March 1, 2007, Mr. Scruggs signed a promissory note with the State of South Carolina to obtain a loan of $2500.00 to pay for the costs of applying for certification from the National Board for Professional Teaching Standards (NBPTS). The State of South Carolina implemented the South Carolina National Board Loan Program in 2000 to assist qualified South Carolina teachers with the cost of the NBPTS assessment fee of $2,500.00. One half of the loan amount ($1,250.00) is forgiven upon NBPTS's receipt of the National Board candidate's completed application portfolio. If the candidate attains National Board certification within three

years of the date of the initial disbursement of funds, the full amount of the loan is forgiven. Teachers who do not certify in the three-year period are required to repay the loan. Although Mr. Scruggs completed the application portfolio, he did not attain National Board certification and is required to pay $1,250.00, one half of the loan amount.

On September 20, 2011, the SCDE sent Mr. Scruggs a notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate and a Repayment Agreement, via certified mail, return receipt requested and regular mail. The certified mail was returned marked, "unclaimed," but the regular mail was not returned to the SCDE. On September 26, 2011, the SCDE sent another notice, via certified mail, return receipt requested and regular mail to a second address on record for Mr. Scruggs. The certified mail was returned marked "unclaimed," but the regular mail was not returned to the SCDE.

On October 25, 2011, Mr. Scruggs signed a Repayment Agreement with the SCDE and returned it to SCDE on November 3, 2011. Under the terms of the Agreement, Mr. Scruggs was obligated to repay the outstanding balance of $1,250.00 in monthly installments of at least $104.17 until the balance was paid in full. Mr. Scruggs agreed that if he failed to make any monthly payment, he would be considered in default with no right to cure and the SCDE would resume certificate suspension proceedings. After the Agreement was signed by Mr. Scruggs, the SCDE never received any payments. Mr. Scruggs has not repaid the outstanding balance of $1250.00 which is now past due.

The SCDE verified Mr. Scruggs current address in Tennessee. On February 9, 2012, the SCDE requested that the Hamblen County Sheriff's Office serve Mr. Scruggs with the notice letter that the SCDE would meet to make a determination regarding the possible suspension of his South Carolina educator certificate due to his failure to repay his National Board loan. On February 17, 2012, the SCDE received the proof of service from the Hamblen County Sheriff's Office, showing that Mr. Scruggs' wife, a person of age and discretion, living in the household, was personally served with the notice letter on February 14, 2012. Mr. Scruggs subsequently contacted the SCDE to request a new Repayment Agreement. SCDE informed Mr. Scruggs that his request for a new Repayment Agreement was denied because he had previously signed a Repayment Agreement dated October 25, 2011, and that he had failed to make the required payments. Mr. Scruggs informed the SCDE that he had forgotten about the Repayment Agreement because he had moved to Tennessee. SCDE informed Mr. Scruggs that no action would be taken against his license if he paid the balance of $1,250.00 in full by April 1, 2012. Mr. Scruggs failed to make the payment.

After considering the information presented by the SCDE, the State Board voted to suspend Mr. Scruggs' certificate until he repays the full amount owed on his outstanding loan with the State of South Carolina obtained through CERRA. Mr. Scruggs must also pay all applicable reinstatement fees.

CONCLUSIONS OF LAW

The State Board may suspend the certificate of any person for unprofessional conduct. S.C. Code Ann. §§ 59-25-150 and 160 (2004). Mr. Scruggs has demonstrated unprofessional conduct by his failure to repay his National Board loan. The State Board finds that sufficient information exists to support its decision to suspend the educator certificate of John M. Scruggs, certificate 210224, from the date of this Order until he has satisfied his financial obligation to the State of South Carolina, as established in the promissory note referenced above. Upon full payment of the balance due, if Mr. Scruggs wishes to have his certificate reinstated, he may make a written request for reinstatement to the SCDE's Office of Educator Certification, Recruitment and Preparation, and will be responsible for the payment of all applicable reinstatement fees.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: _____
Dennis Thompson, Jr., Chair

Columbia, South Carolina
April 11, 2012