BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation	)	
	)	
Or Suspension of the	)	**ORDER OF**
	)	
Educator Certificate of	)	**SUSPENSION**
	)	
John C. Sizemore	)	
	)	
Certificate 103059	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 8, 2012. On May 22, 2012, the South Carolina Department of Education (SCDE) sent notice to Mr. John C. Sizemore of the possible suspension or revocation of his educator certificate by first class and certified mail, return receipt requested. Mr. Sizemore did not request a hearing within the time specified in the notice and is now in default. After consideration of the evidence presented, the State Board voted to suspend Mr. Sizemore's educator certificate for a period of one year, commencing on August 8, 2012, and ending on August 7, 2013.

FINDINGS OF FACT

Mr. Sizemore holds a professional educator certificate and has fourteen years of teaching experience. He has no prior record of disciplinary action with the State Board. Mr. Sizemore held a middle school science teacher position at the John de la Howe School (School). On March 9, 2012, the School terminated Mr. Sizemore following a random drug screen when Mr. Sizemore's drug screen tested positive for marijuana. The School informed Mr. Sizemore that this action was taken in accordance with agency policy was consequent to his violation of the agency's policy, Employee Drug Use and Drug Testing.

On March 20, 2012, Mr. Sizemore initiated a grievance with the School. On March 26, 2012, the School Superintendent sustained the termination action and informed Mr. Sizemore that this decision represented the final agency decision. Mr. Sizemore did not file an appeal of this decision.

On May 22, 2012, the SCDE sent notice to Mr. Sizemore of the possible suspension or revocation of his educator certificate by first class and by certified mail,

return receipt requested. After receiving the notice letter, Mr. Sizemore contacted the SCDE via written correspondence. The correspondence stated that Mr. Sizemore had been teaching for fourteen years in public schools with a great record and that he had never been written up. Mr. Sizemore also stated in the correspondence that his record was flawless and that he had never been arrested or been in court. Mr. Sizemore stated that he would appreciate some consideration regarding his teacher's license.

On June 5, 2012, the SCDE responded to Mr. Sizemore as requested in Mr. Sizemore's letter, which was received the same day. The SCDE informed Mr. Sizemore that he had not requested a hearing following his receipt of the SCDE notice letter stating that if he desired a hearing he need to send his request on or before June 9, 2012. Mr. Sizemore did not request a hearing and is now in default.

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 (2011). 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 (2011). The State Board has considered Mr. Sizemore's letter and the facts in this matter. The State Board finds that Mr. Sizemore engaged in unprofessional conduct, and demonstrated unfitness for teaching as a result of his positive drug test for marijuana. Furthermore, the School's Employee Drug Use and Drug Testing policy includes an employment condition where Mr. Sizemore was made aware that he would be subjected to routine random drug screens. The State Board finds that the information presented supports its determination that just cause exists to suspend Mr. Sizemore's educator certificate 103059 for a period of one year, beginning August 8, 2012, and ending on August 7, 2013.

Now, therefore, it is ordered that the State Board suspend the educator certificate of John C. Sizemore, certificate 103059, for a period of one year. The suspension shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order with the reason stated as "unprofessional conduct."

If Mr. Sizemore wishes to have his educator certificate reinstated at the end of the suspension period, he shall make a written request to the SCDE's Office of Educator Certification, Recruitment and Preparation and provide documentation that he is safe to return to the practice of teaching. He shall meet all certification requirements in effect at the time he requests reinstatement and shall be responsible for the payment of the applicable reinstatement fee.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: David W. Blackmon

David Blackmon, PhD, Chair-Elect

Columbia, South Carolina
August 8, 2012