BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation of the School Bus Driver Certificate of Lauritha McGhaney	)))))))	**ORDER OF REVOCATION**

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on November 14, 2012. On March 8, 2012, Ms. McGhaney was involved in a serious accident that injured two people and caused significant property damage while driving a school bus in Sumter, South Carolina. On April 10, 2012, the Sumter Police Department charged Ms. McGhaney with reckless driving, not wearing a seatbelt, and smoking on a school bus. On May 3, 2012, Ms. McGhaney was found guilty of reckless driving and seat belt violation. On June 21, 2012, the South Carolina Department of Education (SCDE) attempted to provide notice to Ms. McGhaney that the State Board would meet to make a determination regarding the possible suspension or revocation of her South Carolina school bus driver certificate as a result of her conviction for reckless driving and seat belt violation. On August 23, 2012, the Sumter County Sheriff's Office personally served Ms. McGhaney with the SCDE notice letter at her residence. Ms. McGhaney did not request a hearing and is in default.

After considering the evidence presented, the State Board voted to permanently revoke MS. McGhaney's bus driver certificate, effective November 14, 2012.

FINDINGS OF FACT

Ms. McGhaney holds a South Carolina school bus driver certificate and has been a bus driver for almost twelve years. She has no prior record of disciplinary action with the State Board. Ms. McGhaney had been employed by the Sumter County School District (District) as a bus driver from May 12, 1999, until the District terminated her employment on March 12, 2012. On March 8, 2012, Ms. McGhaney was driving a state-owned school bus and was traveling south on Alice Drive in Sumter, South Carolina. The bus then veered into the oncoming lane of traffic, crossed back over the center median, and then collided with a car. The driver of the car and the teenage passenger sustained injuries and were taken to the hospital for treatment. The accident also caused significant property damage. The police investigated the accident and determined

that Ms. McGhaney failed to operate the bus with due regard for the safety of others. Ms. McGhaney operated the school bus in violation of SCDE established written operating policies.

On April 10, 2012, the Sumter Police Department charged Ms. McGhaney with reckless driving, not wearing a seatbelt and smoking on a school bus. On May 3, 2012, Ms. McGhaney was found guilty of reckless driving and seat belt violation. On June 21, 2012, the SCDE unsuccessfully attempted to provide notice to Ms. McGhaney via regular and certified mail that the State Board would meet to make a determination regarding the possible suspension or revocation of her South Carolina school bus driver certificate as a result of her conviction for reckless driving and seat belt violation. On August 23, 2012, the Sumter County Sheriff's Office personally served Ms. McGhaney with the SCDE notice letter at her residence. Ms. McGhaney did not request a hearing and is in default.

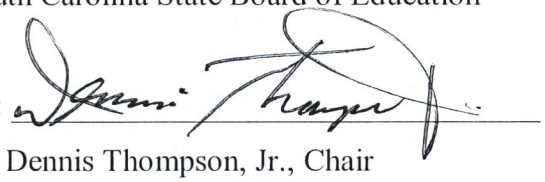
CONCLUSIONS OF LAW

The State Board has jurisdiction of this matter pursuant to S.C. Code Ann. § 59-5-60 (2004); § 59-67-108 (Supp. 2011); § 59-67-470 (2004) and State Board Rule EDF (2010). Pursuant to State Board Rule EDF II.A, the State Board has the legal authority to take action on the certificate of a school bus driver when the school bus driver is convicted of a crime. Further, State Board Rule EDF II.E. provides, *inter alia*, that the State Board also has the legal authority to take action when a school bus driver operates a school bus in violation of established operating practices in a manner that is found to be grossly negligent and causes injury to any individual or damages a state owned school bus. The State Board finds that the evidence presented by the SCDE establishes that Ms. McGhaney was grossly negligent in operating a school bus in violation of established operating practices and that she caused serious injury to two individuals as well as significant property damage resulting from her accident on March 8, 2012. The evidence presented also shows that Ms. McGhaney was found guilty of reckless driving and a seat belt violation on May 3, 2012.

The State Board finds that the evidence presented by the SCDE supports its decision that just cause exists to revoke the bus driver certificate of Lauritha McGhaney. The revocation of Ms. McGhaney's bus driver certificate shall be reported to the South Carolina Department of Motor Vehicles 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: 

Dennis Thompson, Jr., Chair

Columbia, South Carolina

November 14, 2012