

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of Revocation)
)
of the Educator Certificate of)
)
Melissa P. Swink,)
)
Certificate 195301)

ORDER OF SUSPENSION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered the matter on February 13, 2018. On August 9, 2017, and October 20, 2017, the South Carolina Department of Education (SCDE) sent notice letters to Ms. Swink, informing her that the State Board would meet to make a determination regarding the possible disciplinary action of her educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. Ms. Swink declined to sign for the notice letters sent by certified mail, return receipt requested, delivery restricted to addressee. The SCDE has verified Ms. Swink's address and the letters sent via regular mail have not been returned. On December 1, 2017, the SCDE informed Ms. Swink via regular and certified mail that the State Board would meet on February 13, 2018, to consider the circumstances surrounding her attempt to deceive her supervisors as well as her inappropriate posts on social media, while employed as a teacher with Spartanburg County School District Seven. Ms. Swink has declined to sign for this letter and the letter sent via regular U.S. mail has not been returned. Under the South Carolina Rules of Civil Procedure 5(b), Ms. Swink has been given fair notice of constitutional due process. Ms. Swink has not contacted the SCDE to request a hearing and is now in default. After considering the evidence presented, the State Board voted to suspend Ms. Swink's educator certificate for a period of one calendar year, commencing on February 13, 2018, and ending on February 12, 2019.

FINDINGS OF FACT

Ms. Swink holds a valid South Carolina professional educator certificate and has over sixteen years of teaching experience. Spartanburg County School District Seven (District) employed Ms. Swink as a teacher at Carver Middle School (School). On February 1, 2017, Telen Monosso, Assistant Principal, met with Ms. Swink regarding several reports of an

inappropriate social media post made by Ms. Swink. In that meeting, Ms. Swink was informed that while she could finish out her employment contract for the year, she would not recommend that Ms. Swink return to Carver Middle School and asked that she turn in her resignation, effective at the end of the school year. Ms. Monosso further warned Ms. Swink that any further disruptions relating to this issue would be cause to recommend her for immediate termination. On February 23, 2017, the District placed Ms. Swink on administrative leave after allegations arose regarding conduct that raised reasonable suspicion of drug use. Ms. Swink initially agreed to submit a voluntary drug test, but later refused to do so. The Curriculum Instructional Coach was tasked with preparing Ms. Swink's room for a long-term substitute on March 6, 2017. During this preparation, a wallet and bag were discovered among Ms. Swink's materials in a cabinet. The wallet and bag belonged to another teacher, who stated it had been missing since the beginning of the year.

On April 18, 2017, the District informed the SCDE that Ms. Swink had been placed on administrative leave through the end of the 2016-17 school year after allegations arose that she had engaged in unprofessional conduct regarding concerns with erratic behavior that caused reasonable suspicion of drug use. After considering the evidence presented, the State Board voted to suspend Ms. Swink's educator certificate for a period of one calendar year, commencing on February 13, 2018, and ending on February 12, 2019.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2016); S.C. Code Ann. § 59-25-160 (2016). Just cause includes unprofessional conduct and dishonesty. S.C. Code Ann. § 59-25-160 (2016). The State Board finds the evidence presented demonstrates Ms. Swink engaged in unprofessional conduct as a result of her inappropriate social media posts and erratic behavior that caused reasonable suspicion of drug use. Accordingly, the evidence presented supports the State Board's determination that just cause exists to suspend the educator certificate of Melissa P. Swink, Educator Certificate 195301, for a for a period of one calendar year, commencing on February 13, 2018, and ending on February 12, 2019.

If Ms. Swink wishes to have her educator certificate reinstated at the end of the suspension period, she shall make a written request to the SCDE's Office of Educator Services. She shall further meet all certification requirements in effect at the time she requests reinstatement and shall be responsible for the payment of the applicable reinstatement fee. The suspension of Ms. Swink's Educator Certificate 195301 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: Sharon Wall
Sharon Wall, Ed.D., Chair

Columbia, South Carolina
February 13, 2018