

**STATE OF SOUTH CAROLINA
BEFORE THE STATE BOARD OF EDUCATION**

In the Matter of	)	
	)	
Kevin Smalls	)	ORDER OF SUSPENSION
	)	(UNPROFESSIONAL CONDUCT)
Educator Certificate #238660	)	
_____	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 12, 2019. The South Carolina Department of Education (SCDE) notified Kevin Smalls (Smalls) of his right to a hearing regarding the possible suspension of his South Carolina Educator Certificate via certified letter dated June 29, 2017. Smalls timely requested a hearing and such was held on October 17, 2018. After considering the evidence presented, the State Board voted to suspend Smalls' educator certificate for a period of sixty (60) calendar days commencing on February 12, 2019, and ending on April 13, 2019.

FINDINGS OF FACT

This is a disciplinary matter involving allegations of several incidents where Smalls was in a closed closet with a female student, as well as allegations of inappropriate touching of that student. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2004) and S.C. Code Ann § 59-25-160 (2004).

Smalls holds a valid South Carolina Educator Certificate, has no criminal history and no prior reprimands with the District or disciplinary actions with the State Board. Smalls had been employed by Richland County School District Two (District) since 2014, as an engineering and robotics teacher. On January 25, 2017, a female student reported the allegations against Mr. Smalls to school officials. The District placed Mr. Smalls on administrative leave and he subsequently voluntarily resigned his position effective March 13, 2017. The testimony and evidence revealed that Mr. Smalls did enter a school closet with the student on several occasions on the dates in question and the door was closed on some of these occasions.

However, the hearing officer found no credible evidence to support a finding that an inappropriate touching had occurred and the student offered testimony inconsistent with her original written statement. Mr. Smalls denies the allegations, offering a medical excuse as evidence

that the events did not occur as alleged. The hearing officer did find that Smalls' conduct warranted action against his certificate, as he was alone with a student behind closed doors on multiple occasions.

After considering the evidence presented at the October 17, 2018 hearing, the State Board finds that the evidence presented demonstrates Smalls acted in an unprofessional manner. As such, a suspension of his Educator Certificate is warranted. The Board finds that just cause exists to suspend Smalls' Educator Certificate #238660 for a period of sixty (60) calendar days commencing on February 12, 2019, and ending on April 13, 2019.

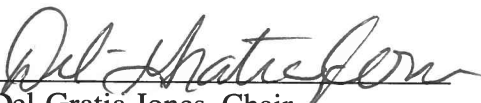
CONCLUSIONS OF LAW

"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). "Just cause" includes, *inter alia*, "incompetence" and "unprofessional conduct." S.C. Code Ann. § 59-25-160 (4) (2004).

The State Board finds that the evidence presented demonstrates that Smalls engaged in unprofessional conduct in being alone with a student behind closed doors on more than one occasion. Accordingly, the evidence presented supports the State Board's determination that just cause exists to suspend the Educator Certificate of Smalls, Educator Certificate #238660, for a period of sixty (60) calendar days commencing on February 12, 2019, and ending on April 13, 2019. If Smalls 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 shall meet all certification requirements in effect at the time he requests reinstatement. Smalls shall also pay all applicable reinstatement fees. The suspension of Smalls' Educator Certificate #238660 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty (30) days from the date of this order with the reasons stated as "unprofessional conduct".

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: 
Del-Gratia Jones, Chair

Columbia, South Carolina
February 12, 2019