

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

In the Matter of the

Disciplinary Action of the

Educator Certificate of

Richard F. Sylvester

Certificate 206991

**ORDER OF PUBLIC REPRIMAND**

**SUMMARY OF THE CASE**

The South Carolina State Board of Education (State Board) considered this matter on March 10, 2020. On January 28, 2020, the South Carolina Department of Education (SCDE) sent Richard F. Sylvester a notice letter by certified mail, return receipt, restricted delivery, and regular mail, regarding potential action against his educator certificate. Mr. Sylvester received the notice on February 1, 2020, as evidenced by postal tracking. Mr. Sylvester has not requested a hearing in this matter and is now in default. After considering the evidence presented, the State Board voted to issue a public reprimand to Mr. Sylvester and approved this Order of Public Reprimand.

**FINDINGS OF FACT**

Mr. Sylvester holds a valid South Carolina educator certificate and has over seventeen years of educator experience. At the time of the infraction, Mr. Sylvester was a 4<sup>th</sup> grade teacher at Ellen Woodside Elementary School (School) in the Greenville County School District (District).

On May 7, 2019, another 4<sup>th</sup> grade teacher at the School reported a possible testing violation to School administration. When asked, Mr. Sylvester admitted to the violation. He stated he knew a 4<sup>th</sup> grader that attended school in another district and had already taken the SC Ready Text-Dependent Analysis (TDA) prompt. The student could not recall the exact TDA prompt, but based on the student's description of their answer, Mr. Sylvester was able to formulate characteristics of the text. He then told two other teachers in his grade level that he knew what they needed to focus on since their students would be taking the same test. Mr. Sylvester stated he did not believe this was a violation

since he had not actually viewed the test. However, it was determined he knew enough about the test to provide inappropriate assistance to students and had planned to do so. He was interviewed by District staff prior to implementing any new classroom assignments based on his knowledge of the test.

After considering the evidence presented, the State Board voted to publically reprimand Mr. Sylvester and approve this Order of Public Reprimand.

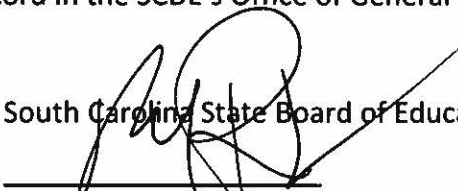
#### **CONCLUSIONS OF LAW**

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2017); S.C. Code Ann. § 59-25-160 (2017). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (2017); 24 S.C. Code Regs. 43-58 (2017). The State Board finds that the evidence presented by the District would not support a conclusion that just cause exists to suspend or revoke the educator certificate of Richard F. Sylvester; however, the evidence that would be presented would support a conclusion that Mr. Sylvester engaged in unprofessional conduct by attempting to provide inappropriate assistance to students taking a standardized test. The State Board further finds that just cause exists for the issuance of a Public Reprimand to Mr. Sylvester by the State Board.

Now, therefore, it is ordered that the State Board hereby issues a Public Reprimand to Richard F. Sylvester, certificate 206991. The Public Reprimand shall be reported to the NASDTEC clearinghouse and all South Carolina school districts within thirty days from the date of this order with the grounds listed as "unprofessional conduct." This Consent Order of Public Reprimand shall be posted on the SCDE's web site and shall be maintained as a public record in the SCDE's Office of General Counsel.

**AND IT IS SO ORDERED.**

South Carolina State Board of Education

  
Michael Brennan, Chair