

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Joshua Loy Smith
Certificate 267222

CONSENT ORDER OF SUSPENSION

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 9, 2024. On December 1, 2022, the South Carolina Department of Education (SCDE) sent notice via regular and certified mail, to Joshua Loy Smith concerning the pending action against educator certificate 267222. After Mr. Smith received the notice, his legal counsel contacted the SCDE to discuss an alternative resolution. Mr. Smith agreed to waive his right to a hearing and enter into this Consent Order of Suspension of educator certificate 267222 for a period of one month. After considering the evidence presented, the State Board voted to accept the Consent Order of Suspension of Mr. Smith's educator certificate for a period of one month commencing on April 9, 2024 and ending on May 8, 2024. Mr. Smith has also agreed to complete the NASDTEC Prevention and Correction course and a classroom management course prior to his reinstatement. Mr. Smith has further agreed to complete a classroom management course approved by the SCDE within six months of the date of this order.

FINDINGS OF FACT

Mr. Smith holds a South Carolina educator certificate. He has over eight years of educator experience and has no prior record of disciplinary action with the State Board. At the time of the incident, Mr. Smith was employed by the Dorchester School District Two (District) as a teacher at Fort Dorchester High School (School).

School and District administration were made aware of an inappropriate incident that occurred on February 12, 2020. Specifically, concerns were raised about Mr. Smith's classroom management practices and that two students engaged in inappropriate

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touching while in Mr. Smith's class during instructional time. After conducting an investigation, Mr. Smith was issued a written reprimand and advised that any continued instances of a lack of supervision may result in further disciplinary action. There have been no subsequent instances alleging a lack of supervision that have been reported to the State Board.

After considering the evidence presented, the State Board voted to accept the Consent Order of Suspension of Mr. Smith's educator certificate for a period of one month commencing on April 9, 2024 and ending on May 8, 2024. Mr. Smith has also agreed to complete the NASDTEC Prevention and Correction course prior to his reinstatement. Mr. Smith has further agreed to complete a classroom management course approved by the SCDE within six months of the date of this order.

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 (2020); S.C. Code Ann. § 59-25-160 (2020). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (2020); 24 S.C. Code Regs. 43-58 (2021). The State Board finds that the evidence presented demonstrates that Mr. Smith engaged in unprofessional conduct due to a failure to adequately supervise students under his instruction. The State Board further finds that just cause exists for the suspension of Mr. Smith's educator certificate for a period of one month, commencing on April 9, 2024 and ending on May 8, 2024. The State Board further finds that just cause exists to accept the requirement of Mr. Smith successfully completing the two courses referenced in this order.

If Mr. Smith wishes to have his certificate reinstated at the conclusion of the period of suspension, he shall make a written request to the SCDE's Office of Educator Services. Mr. Smith shall be responsible for meeting all certification requirements in effect at the time he requests reinstatement and for the payment of any applicable reinstatement fees. Mr. Smith has also agreed to complete the NASDTEC Prevention and

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Correction course prior to his reinstatement. The suspension of Mr. Smith's educator certificate shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order. Mr. Smith has further agreed to complete a classroom management course approved by the SCDE within six months of the date of this order.

Now, therefore, it is hereby ordered that the educator certificate of Joshua Loy Smith, certificate 267222, is suspended for a period of one month, commencing on April 9, 2024 and ending on May 8, 2024.

AND IT IS SO ORDERED.

South Carolina State Board of Education

s/David C. O'Shields
David C. O'Shields, Chair

Columbia, South Carolina
April 9, 2024

I, Joshua Loy Smith, SC Educator Certificate 267222, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator certificate holders and that I have waived my right to a hearing in this matter. I understand the terms set forth in this Consent Order of Suspension are not subject to reconsideration, collateral attack or judicial review. I agree to the terms of this Consent Order of Suspension, consisting of three pages, and understand that this Order will be presented to the State Board for approval on April 9, 2024. I understand this Order will not become effective until approved by the State Board and, if not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the State Board to adjudicate this matter. If approved by the State Board, I give the SCDE permission to use my electronic signature in the style of "s/name" for required website publication.

s/Joshua Loy Smith
Joshua Loy Smith

4/1/24
Date

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s/JLS
Initial
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