

i. Standards of Conduct – South Carolina Code of Law

SECTION 59-25-160.¹

Revocation or suspension of certificate; “just cause” defined.

“Just cause” may consist of any one or more of the following:

- (1) Incompetence;
- (2) Willful neglect of duty;
- (3) Willful violation of the rules and regulations of the State Board of Education;
- (4) Unprofessional conduct;
- (5) Drunkenness;
- (6) Cruelty;
- (7) Crime against the law of this State or the United States;
- (8) Immorality;
- (9) Any conduct involving moral turpitude;
- (10) Dishonesty;
- (11) Evident unfitness for position for which employed; or
- (12) Sale or possession of narcotics.

SECTION 59-25-530.²

Unprofessional conduct; breach of contract.

Any teacher who fails to comply with the provisions of his [or her] contract without the written consent of the school board shall be deemed guilty of unprofessional conduct. A breach of contract resulting from the execution of an employment contract with another board within the State without the consent of the board first employing the teacher makes void any subsequent contract with any other school district in South Carolina for the same employment period. Upon the formal complaint of the school board, substantiated by conclusive evidence, the State board shall suspend or revoke the teacher’s certificate, for a period not to exceed one calendar year. State education agencies in other states with reciprocal certification agreements shall be notified of the revocation of the certificate.

SECTION 20-7-945.³

Out of compliance determination; review and negotiation of payment schedule having force of judgment; notice and revocation of license.

(A) The division shall review the information received pursuant to Section 20-7-944 and determine if a licensee is out of compliance with an order for support. If a licensee is out of compliance with the order for support, the division shall notify the licensee that forty-five days after the licensee receives the notice of being out of compliance with the order, the licensing entity will be notified to revoke the

¹ (2005). S.C. Code of laws. Retrieved July 18, 2006, from South Carolina Legislature Online Web site: <http://www.scstatehouse.net/code/t59c025.htm>

² (2005). S.C. Code of laws. Retrieved July 18, 2006, from South Carolina Legislature Online Web site: <http://www.scstatehouse.net/code/t59c025.htm>

³ (2005). S.C. Code of laws. Retrieved July 18, 2006, from South Carolina Legislature Online Web site: <http://www.scstatehouse.net/CODE/t20c007.htm>

licensee's license unless the licensee pays the arrearage owing under the order or signs a consent agreement establishing a schedule for the payment of the arrearage.

(B) Upon receiving the notice provided for in subsection (A), the licensee may:

(1) request a review with the division; however, issues the licensee may raise at the review are limited to whether the licensee is the individual required to pay under the order for support and whether the licensee is out of compliance with the order of support; or

(2) request to participate in negotiations with the division for the purpose of establishing a payment schedule for the arrearage.

I The division director or the division director's designees are authorized to and upon request of a licensee shall negotiate with a licensee to establish a payment schedule for the arrearage. Payments made under the payment schedule are in addition to the licensee's ongoing obligation under the order for support.

(D) Upon the division and the licensee reaching an agreement on a schedule for payment of the arrearage, the director shall file an agreement and order pursuant to Section 20-7-9525(A) and (B) with the family court in the county in which the order for support was issued. The clerk shall stamp the date of receipt of the agreement and order and shall file it under the docket number of the order of support. The agreement and order shall have all the force, effect, and remedies of an order of the court including, but not limited to, wage assignment and contempt of court.

(E) If the licensee and the division do not reach an agreement establishing a schedule for payment of the arrearage, the licensee may petition the court to establish a payment schedule. However, this action does not stay the license revocation procedures.

(F) The notification given a licensee that the licensee's license will be revoked in forty-five days clearly must state the remedies and procedures available to a licensee under this section.

(G) If at the end of the forty-five days the licensee still has an arrearage owing under the order for support or the licensee has not signed a consent agreement establishing a payment schedule for the arrearage, the division shall notify the licensing entity to revoke the licensee's license. A license only may be reinstated if the division notifies the licensing entity that the licensee no longer has an arrearage or that the licensee has signed a consent agreement.

(H) Review with the division under this section is the licensee's sole remedy to prevent revocation of his or her license. The licensee has no right to appeal the revocation with the licensing entity.

(I) If a licensee under a consent order entered into pursuant to this section, for the payment of an arrearage subsequently is out of compliance with an order for support, the division immediately may notify the licensing entity to revoke the license and the procedures provided for under subsection (B) do not apply; however the appeal provisions of subsection (H) apply. If upon revocation of the license the licensee subsequently enters into a consent agreement or the licensee otherwise informs the department of compliance, the department shall notify the

licensing entity within fourteen days of the determination of compliance and the license must be reissued.

(J) Notice required to the licensee under this section must be deposited in the United States mail with postage prepaid and addressed to the licensee at the last known address. The giving of the notice is considered complete ten days after the deposit of the notice. A certificate that the notice was sent in accordance with this part creates a presumption that the notice requirements have been met even if the notice has not been received by the licensee.

(K) Nothing in this section prohibits a licensee from filing a petition for a modification of a support order or for any other applicable relief. However, no such petition stays the license revocation procedure.

(L) If a license is revoked under this section, the licensing entity is not required to refund any fees paid by a licensee in connection with obtaining or renewing a license, and any fee required to be paid to the licensing entity for reinstatement after a license revocation applies. The division will indemnify the applicable licensing entity from any consequences that may result from the revocation of the licensee's license.