

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)
)
or Suspension of the)
)
Educator Certificate of)
)
Dwight D. Lawing)
)
Certificate 169120)
_____)

**ORDER OF PERMANENT
REVOCATION**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on May 12, 2011. On November 1, 2007, Mr. Lawing was arrested in Marlboro County, South Carolina on one count of Criminal Sexual Conduct with a Minor under the Age of Sixteen (second degree) and one count of Disseminating Harmful Material to Minors. On November 14, 2007, the State Board summarily suspended Mr. Lawing's educator certificate. On November 15, 2010, Mr. Lawing plead guilty to Lewd Act Upon a Child Under the Age of Sixteen and was sentenced to ten years in prison. He has been ordered to register in the Sex Offender Registry. Mr. Lawing is presently incarcerated at the MacDougall Correctional Institution.

On March 9, 2011, the South Carolina Department of Education (SCDE) sent a notice letter to Mr. Lawing at the MacDougall Correctional Institution regarding the possible suspension or revocation of his South Carolina Educator Certificate and his right to a hearing. On March 10, 2011, Mr. Lawing was personally served with the notice, as evidenced by the proof of service from MacDougall Correctional Institution. Mr. Lawing did not submit a written request to the SCDE for a hearing in this matter and is in default.

After considering the evidence presented, the Board voted to permanently revoke Mr. Lawing's educator certificate 169120, effective May 12, 2011.

FINDINGS OF FACT

Mr. Lawing holds a professional educator certificate 169120 and has over fifteen years of teaching experience. He has been employed by the Marlboro County School District (District) since 1993. During the 2007-2008 school year, the District assigned Mr. Lawing to the position

of band teacher at Wallace Elementary/Middle School in Wallace, South Carolina. The District placed Mr. Lawing on administrative leave immediately following the report of an alleged incident involved children and subsequently terminated Mr. Lawing's employment with the District.

On November 1, 2007, Mr. Lawing was arrested in Marlboro County and charged with one count of Criminal Sexual Conduct with a Minor under the Age of Sixteen (second degree) and one count of Disseminating Harmful Material to Minors. It was alleged that on September 3, 2007, and October 15, 2007, Mr. Lawing engaged in sexual battery with a victim who was fifteen years old at Mr. Lawing's residence and one other location. It was further alleged that Mr. Lawing allowed the minor to view pornography on Mr. Lawing's home computer.

On November 14, 2007, the State Board summarily suspended Mr. Lawing's educator certificate. On November 19, 2007, SCDE sent a notice letter to Mr. Lawing regarding the summary suspension of his educator certificate and his right to a hearing. On November 26, 2007, Mr. Lawing received the notice letter as evidenced by a signed postal receipt bearing his signature. On December 3, 2007, the SCDE received a letter from Mr. Lawing requesting a closed hearing in this matter. The hearing in this matter was to be scheduled following the resolution of the criminal charges.

On November 15, 2010, Mr. Lawing plead guilty to one count of Lewd Act Upon a Child Under the Age of Sixteen. Mr. Lawing is incarcerated at the MacDougall Correctional Institute in Ridgville, South Carolina, for a term of ten years and has been ordered to register in the Sex Offender Registry. Mr. Lawing will be required to wear a GPS ankle bracelet following his release from prison.

On March 9, 2011, the SCDE sent a notice letter to Mr. Lawing at the MacDougall Correctional Institute regarding the possible suspension or revocation of his South Carolina Educator Certificate and his right to a hearing. On March 10, 2011, Mr. Lawing was personally served with the notice, as evidenced by the proof of service from MacDougall Correctional Institution. Mr. Lawing did not submit a written request to the SCDE for a hearing in this matter and is in default.

After considering the evidence presented, the Board voted to permanently revoke Mr. Lawing's educator certificate 169120, effective May 12, 2011.

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 "unprofessional conduct, crime against the law of this State, immorality, and evident unfitness for position for which employed." S.C. Code Ann. § 59-25-160 (Supp. 2010); 24 S.C. Code Ann. Regs. 43-58 (Supp. 2010). The State Board finds that Mr. Lawing engaged in unprofessional conduct, immorality, committed crime against the law of this State and demonstrated evident unfitness for position for which employed, as a result of his guilty plea on November 15, 2010, to one count of Lewd Act Upon a Child Under the Age of Sixteen, pursuant to S.C. Code Ann § 16-15-140 (Supp. 2010). The State Board finds that the evidence presented supports its decision that just cause exists to permanently revoke the educator certificate of Dwight D. Lawing, certificate 169120. The permanent revocation of Mr. Lawing's educator certificate 169120 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order with the reasons stated as "unprofessional conduct, immorality, crime against the law of this State, and evident unfitness for position for which employed."

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: Geritta Postlewait
Geritta Postlewait, Chair

Columbia, South Carolina
May 12, 2011