

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
or Revocation of the)
)
Educator Certificate of)
)
James Keith Owings)
)
Certificate 254052)
_____)

**CONSENT ORDER OF
PUBLIC REPRIMAND**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on July 11, 2012. On April 26, 2012, the South Carolina Department of Education (SCDE) sent notice to Mr. James Keith Owings of the possible suspension or revocation of his educator certificate by regular and certified mail, return receipt requested. On April 27, 2012, Mr. Owings received the notice, as evidenced by a postal receipt bearing his signature. On May 7, 2012, Mr. Owings contacted the SCDE and informed the SCDE that he had received the notice letter and wished to pursue an alternative resolution to this matter. Mr. Owings has agreed to waive his right to a hearing and resolve this disciplinary matter by entering into a Consent Order of Public Reprimand, subject to the terms stated herein. After considering the evidence presented, the State Board voted to accept the Consent Order of Public Reprimand.

FINDINGS OF FACT

The State Board has jurisdiction of this matter, pursuant to S.C. Code Ann. § 59-25-150 (2004), S.C. Code Ann. § 59-25-160 (2004), and 24 S.C. Code Regs. 43-58 (2011).

Mr. Owings holds a professional educator certificate and has less than one year of teaching experience. He has no prior history of disciplinary action with the State Board. Mr. Owings had been employed as a Director of Bands and Chorus at Berea High School by the Greenville County School District (District). Mr. Owings resigned from the District, effective October 13, 2011, following the District's investigation into allegations that Mr. Owings violated District policy when he allowed a volunteer, who had

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previously been placed on a no trespass notice by the District, to lead the band in a cheer during warm up at the band competition on October 1, 2011. Mr. Owings also violated District policy when he used profanity in addressing a band member after a band competition on October 1, 2011.

Mr. Owings stated that when the band arrived for the marching competition, the volunteer came over to the bus and Mr. Owings sent him away. The band members got dressed for the competition and went to the warm up area. Again, the volunteer followed the band and started talking to the band members. Mr. Owings allowed the volunteer to stay for fear of causing problems and endangering the students. Mr. Owings stated that after the band performance, Mr. Owings left the band members with the chaperones and other staff members and took the volunteer away from the band members. Mr. Owings stated that he made the volunteer stay with him for the rest of the night, so the volunteer could not interact with the students. Mr. Owings periodically checked with the chaperones to make sure the students were well behaved and under control.

After the awards ceremony, Mr. Owings stated that he met with another director to get information regarding scores and digital recorders for the competition scheduled for the following weekend. Mr. Owings stated that during that time, the chaperones took the students back to the bus. When Mr. Owings returned to the bus, he saw a student leaving the bus and walking away. Mr. Owings stated that he got the student back on the bus and the student was using profanity towards Mr. Owings. Mr. Owings admitted that he used profanity back at the student. Once the bus returned to school, Mr. Owings got off the bus and started unloading the band equipment into the band room. During this time, a parent came into the band room and informed Mr. Owings that the volunteer was again on the bus and addressing the students. Mr. Owings stated that he sent a staff member to get the volunteer off of the bus.

After considering the evidence presented, the State Board voted to accept the Consent Order of Public Reprimand.

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), S.C. Code Ann. § 59-25-

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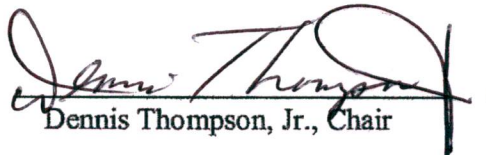
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160 (2004), 24 S.C. Code Regs. 43-58 (2011). Just cause includes unprofessional conduct. S. C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Regs. 43-58 (2011). The State Board finds that the information presented supports its determination that just cause does not exist to suspend or revoke the educator certificate of Mr. Owings; however, the evidence presented demonstrates that Mr. Owings engaged in unprofessional conduct by using profanity and by failing to follow District procedures in allowing a former volunteer, who had previously been placed on a no trespass notice by the District, to be in the presence of band members and that just cause exists for the issuance of a Public Reprimand by the State Board.

Now, therefore, it is ordered that the State Board hereby issues a Public Reprimand to James Keith Owings, certificate 254052. The Public Reprimand shall be reported to all school districts in South Carolina with the grounds listed as "unprofessional conduct." The 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.

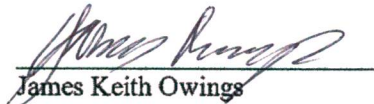
AND IT IS SO ORDERED.

South Carolina State Board of Education

By: 
Dennis Thompson, Jr., Chair

Columbia, South Carolina
July 11, 2012

I, James Keith Owings, SC Educator Certificate 254052, do hereby agree to the proposed Consent Order of Public Reprimand, consisting of three pages, and understand that this Order will be presented to the State Board for approval on Wednesday, July 11, 2012.


James Keith Owings

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Date