

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation or)
Suspension of the Educator Certificate of)
Robert V. Powell,)
Certificate 222963)
_____)

**ORDER OF
SUMMARY SUSPENSION**

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on March 1, 2013. In accordance with S.C. Code Ann. § 1-23-370(c) (2004), § 59-5-10 (2004), and State Board Rule of Governance BBABA, the South Carolina Department of Education (SCDE) requested that the Chair of the State Board summarily suspend the educator certificate of Robert V. Powell, certificate 222963, as a result of his being arrested on February 27, 2013, in Greenville County, South Carolina, and being charged with Criminal Sexual Conduct With A Minor (Second Degree) (2 counts), S.C. Code Ann § 16-3-655(C) (Supp. 2008), and Committing or Attempting Lewd Act Upon Child Under Sixteen, (two counts) S.C. Code Ann § 16-15-140 (2003). The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Powell may pose a threat to the health, safety and welfare of students that may be under his instruction and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Mr. Powell's educator certificate shall be summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Mr. Powell of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. Powell holds a professional South Carolina educator certificate and has six years of teaching experience. Mr. Powell was employed by the Greenville County School District (District) as the Director of Bands at Ralph Chandler Middle School (School). Mr. Powell resigned from his employment with the District on February 27, 2013.

Mr. Powell was arrested on February 27, 2013, in Greenville County, South Carolina, and charged with Criminal Sexual Conduct With A Minor (Second Degree) (2 counts), S.C. Code Ann § 16-3-655(C) (2003), and Committing or Attempting Lewd Act Upon Child Under Sixteen, (two counts) S.C. Code Ann § 16-15-140 (2003). The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Powell may pose a threat to the health, safety and

welfare of students that may be under his instruction and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Mr. Powell's educator certificate shall be summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Mr. Powell of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

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 (2004). Just cause includes unprofessional conduct, immorality, any conduct involving moral turpitude, crime against the law of this State, and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Ann. Regs. 43-58 (2011). In accordance with S.C. Code Ann. § 1-23-370(c) (2004), "If the agency finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action." Pursuant to S.C. Code Ann § 59-5-10 (2004) and State Board Rule of Governance BBABA, the Chair of the State Board finds that as a result of the allegations of Mr. Powell's unprofessional conduct, immorality, conduct involving moral turpitude, evident unfitness for position for which employed and his arrest for Criminal Sexual Conduct With A Minor (Second Degree) (2 counts), S.C. Code Ann § 16-3-655(C) (Supp. 2003), and Committing or Attempting Lewd Act Upon Child Under Sixteen, (two counts) S.C. Code Ann § 16-15-140 (2003), there is reason to believe that Mr. Powell may pose a threat to the health, safety and welfare of students and that emergency action is required. Accordingly, the educator certificate of Robert V. Powell, certificate 222963, is summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Mr. Powell of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: David W. Blackmon

Dr. David Blackmon, Chair