

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation or)
Suspension of the Educator Certificate of)
Brandon S. Poston,)
Certificate 245192)
_____)

**ORDER OF
SUMMARY SUSPENSION**

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on May 31, 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 Brandon S. Poston, certificate 245192, as a result of his being arrested on May 30, 2013, in Greenville County, South Carolina, and being charged with Sexual Battery with a Student (18 years of age or older where there is direct supervisory authority), S.C. Code Ann § 16-3-755(D) (Supp. 2012). The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Poston 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. Poston'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. Poston of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. Poston holds a professional South Carolina educator certificate and has one year of teaching experience. Mr. Poston was employed by the Greenville County School District (District) as the Band Director at Greenville Middle Academy and Eastside High School (School). On May 30, 2013, the District placed Mr. Poston on administrative leave during an investigation into allegations of Mr. Poston's inappropriate conduct with a student. Mr. Poston resigned from his employment with the District on May 30, 2013.

Mr. Poston was arrested on May 30, 2013, in Greenville County, South Carolina, and charged with Sexual Battery with a Student (18 years of age or older where there is direct supervisory authority), S.C. Code Ann § 16-3-755(D) (Supp. 2012). It is alleged that Mr. Poston engaged in sexual battery with an 18 year old student who was a band member at the School. It is further alleged that Mr. Poston had direct supervisory authority over the student at the time of the incidents that occurred on more than one occasion during the time period from February 20, 2013, through May 30, 2013. The SCDE has reason to

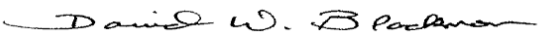
believe that, due to the serious nature of these allegations of misconduct, Mr. Poston may pose a threat to the health, safety and welfare of students that may be under his instruction and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Mr. Poston's educator certificate shall be summarily suspended until a due process hearing is held and/or this matter is otherwise resolved.

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. Poston's unprofessional conduct, immorality, conduct involving moral turpitude, evident unfitness for position for which employed and his arrest for Sexual Battery with a Student (18 years of age or older where there is direct supervisory authority), S.C. Code Ann § 16-3-755(D) (Supp. 2012), there is reason to believe that Mr. Poston may pose a threat to the health, safety and welfare of students and that emergency action is required. Accordingly, the educator certificate of Brandon S. Poston, certificate 245192, 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. Poston 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, Chair