

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Voluntary)

Surrender of the Educator)

Certificate of Diane K. Fowler)

Certificate 140099)

**CONSENT ORDER OF
PERMANENT VOLUNTARY
SURRENDER**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 11, 2014. On November 12, 2013, the South Carolina Department of Education (SCDE) sent notice to Diane K. Fowler that the State Board would meet to make a determination regarding disciplinary action of her South Carolina educator certificate based on the provisions of S.C. Code Ann. § 59-25-160 (Rev. 2004), for unprofessional conduct. Ms. Fowler received the notice on November 14, 2013, as evidenced by a signed domestic return receipt bearing her signature. On November 19, 2013, Ms. Fowler informed the SCDE that she was requesting a hearing and was represented by legal counsel. Ms. Fowler also desired to discuss an alternative resolution to this matter. On April 11, 2014, Ms. Fowler's attorney informed SCDE that Ms. Fowler agreed to enter into a Consent Order of Permanent Voluntary Surrender of her educator certificate 140099, effective June 11, 2014.

Diane K.
Fowler
140099

D.K.
Initial here

4/11/14
Date

FINDINGS OF FACT

The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (Rev. 2004) S.C. Code Ann. § 59-25-160 (Rev. 2004).

Ms. Fowler holds a professional South Carolina educator certificate and has over twenty nine years of teaching experience in North Carolina and South Carolina. Ms. Fowler was employed by the Sumter County School District (District) as a teacher at Ebenezer Middle School from August 2013, until the District terminated her employment effective November 1, 2013. The District had concerns concerning Ms. Fowler's job performance with respect to incorrect report card grades, poor lesson plans, lack of rigor in her instructions and lack of differentiation in order to meet the needs of her students

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according to their individual education plans. The District also found that Ms. Fowler had falsified her original job application with the District. Ms. Fowler alleged that she had never been informed of the pending North Carolina action involving her North Carolina professional license.

On October 22, 2013, the SCDE received information that the North Carolina State Board of Education had permanently revoked Ms. Fowler's professional license following an investigation into allegations that Ms. Fowler had materially misrepresented many items on her employment application with Kannapolis City Schools. On November 12, 2013, the SCDE sent notice to Ms. Fowler that the State Board would meet to make a determination regarding disciplinary action of her South Carolina educator certificate based on the provisions of S.C. Code Ann. § 59-25-160 (Rev. 2004), for unprofessional conduct as a result of the circumstances surrounding the permanent revocation of Ms. Fowler's North Carolina professional license as well as her dishonesty in completing an employment application with the Sumter County School District. Ms. Fowler received the notice on November 14, 2013, as evidenced by a signed domestic return receipt bearing her signature. On November 19, 2013, Ms. Fowler informed the SCDE that she was requesting a hearing and was represented by legal counsel. Ms. Fowler also desired to discuss an alternative resolution to this matter. On April 11, 2014, Ms. Fowler's attorney informed SCDE that Ms. Fowler agreed to waive her right to a hearing and agreed to enter into a Consent Order of Permanent Voluntary Surrender of her educator certificate 140099, effective June 11, 2014.

Ms. Fowler agrees to the permanent surrender of her South Carolina educator certificate 140099 subject to the following conditions: (1) her educator certificate will become permanently invalid and permanently revoked immediately upon the approval by the State Board of the Consent Order of Permanent Voluntary Surrender; (2) she has waived her right to a hearing and understands that the terms set forth are not subject to reconsideration, collateral attack or judicial review; and (3) she understands that the permanent surrender of her educator certificate will be reported to all school districts in South Carolina and the NASDTEC Clearinghouse as a permanent voluntary surrender and permanent revocation.

CONCLUSIONS OF LAW

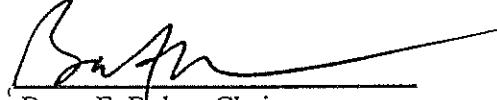
“The South Carolina Board of Education may, for just cause, revoke or suspend the certificate of any person.” S.C. Code Ann. § 59-25-150 (Rev. 2004); S.C. Code Ann. § 59-25-160 (Rev. 2004). Just cause includes “unprofessional conduct” S.C. Code Ann. § 59-25-160 (Rev. 2004); 24 S.C. Code Regs 43-58 (2011). The State Board finds that the evidence presented by the SCDE demonstrates that Ms. Fowler engaged in unprofessional conduct as a result of her material misrepresentation of many items on her employment application with Kannapolis City Schools and the subsequent permanent revocation of her professional license by the North Carolina State Board of Education. The State Board also finds that Ms. Fowler was dishonest in completing her employment application with the District. The evidence presented supports the State Board’s decision to accept the permanent voluntary surrender of educator certificate 140099, issued under the name of Diane K. Fowler and to permanently revoke and render permanently invalid Ms. Fowler’s educator certificate effective June 11, 2014.

Now, therefore, it is ordered that the Consent Order of Permanent Voluntary Surrender is accepted and the educator certificate of Diane K. Fowler, certificate 140099, is hereby declared permanently invalid and permanently revoked. The permanent voluntary surrender and revocation of the educator certificate of Diane K. Fowler, certificate 140099 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By:


Barry F. Bolen, Chair

Columbia, South Carolina
June 11, 2014

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I, Diane K. Fowler, S.C. Educator Certificate 140099, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of education certificate holders and that I have waived my right to a hearing in this matter. I understand that the terms set forth in this Consent Agreement are not subject to reconsideration, collateral attack or judicial review; and I hereby freely, knowingly and voluntarily permanently surrender my educator certificate to the South Carolina State Board of Education. I hereby acknowledge that this permanent surrender shall have the same effect as a permanent revocation of my certificate. I knowingly forfeit and relinquish all right, title and privilege of holding myself out as and being able to practice as an educator in the public schools in the State of South Carolina. I agree to the proposed Consent Order of Permanent Voluntary Surrender, consisting of four pages, and understand that this Order will be presented to the South Carolina State Board of Education on June 11, 2014.

Diane K. Fowler
Diane K. Fowler

9/24/14
Date