

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation or)
Suspension of the Educator Certificate of)
Bryce Alexander Benning,)
Certificate 277279)
_____)

**ORDER OF
SUMMARY SUSPENSION**

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on April 29, 2016. 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 Bryce Alexander Benning, certificate 277279, as a result of his arrest on or about April 28, 2016, in Chesterfield, South Carolina, and being charged with one count of Criminal Sexual Conduct with a Minor, 3rd degree §16-03-655(C) (2006). The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Benning 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. Benning'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. Benning of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. Benning holds a professional South Carolina educator certificate and has less than one year of teaching experience. Mr. Benning has been employed by the Chesterfield County School District (District) since 2015. He has been employed as a band director at Chesterfield-Ruby Middle School (School) since August 14, 2015. Mr. Benning resigned his employment with the District on April 27, 2016, following allegations that he had a sexual relationship with a minor female student who was fourteen years old.

Mr. Benning was arrested on or about April 28, 2016, in the city of Chesterfield, South Carolina, and charged with one count of Criminal Sexual Conduct with a Minor, 3rd degree §16-03-655(C) (2006), a felony offense. It is alleged that Mr. Benning engaged in an inappropriate relationship of a sexual nature with a minor female student who was fourteen years old. The SCDE has reason to believe that, due to the serious nature of this allegation of misconduct, Mr. Benning 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. Benning'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. Benning 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. Benning's unprofessional conduct, immorality, conduct involving moral turpitude, evident unfitness for position for which employed and his arrest on the felony charge of Criminal Sexual Conduct with a Minor, 3rd degree, there is reason to believe that Mr. Benning may pose a threat to the health, safety and welfare of students and that emergency action is required. Accordingly, the educator certificate of Bryce Alexander Benning, certificate 277279, 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. Benning of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

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AND IT IS SO ORDERED.

South Carolina State Board of Education

By: _____

Michael R. Brennan, Chair

Columbia, South Carolina

April 29, 2016