

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
John Louis Tricoche
Certificate 289833

ORDER OF SUMMARY SUSPENSION

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on September 11, 2020. In accordance with S.C. Code Ann. § 1-23-370(c) (2017), § 59-5-10 (2017), 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 John Louis Tricoche, educator certificate 289833, as a result of his arrest on two felony counts of sexual battery with a student, S.C. Code Ann. § 16-3-755(B) (2017).

The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Tricoche may pose a threat to the health, safety, and welfare of students, who 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. Tricoche'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. Tricoche of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. Tricoche holds a valid South Carolina professional educator certificate and has two years of educator experience. At the time of the incident, Mr. Tricoche was employed by the Sumter County School District (District) as a teacher at Crestwood High School (School).

On September 11, 2020, Mr. Tricoche was placed on administrative leave after the District was informed of his arrest on two counts of sexual battery with a student. According to arrest warrants, Mr. Tricoche engaged in inappropriate activities with a

student twice in the parking lots of different businesses. These incidents occurred between November 1, 2019, and April 11, 2020, while the student was enrolled at the School.

The SCDE has reason to believe that, due to the serious nature of this allegation of misconduct, Mr. Tricoche may pose a threat to the health, safety, and welfare of students who 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. Tricoche'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. Tricoche 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 (2017); S.C. Code Ann. § 59-25-160 (2017). Just cause includes unprofessional conduct, crime against the law of this State, and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2017); 24 S.C. Code Regs. 43-58 (2017). In accordance with S.C. Code Ann. § 1-23-370(c) (2017), "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 (2017) and State Board Rule of Governance BBABA, the Chair of the State Board finds that as a result of the allegations of (EDUCATOR) unprofessional conduct, crime against the law of this State or the United States, and evident unfitness for the position for which employed, due to his felony arrest for charges of sexual battery with a student, S.C. Code Ann. § 16-3-755 (2017), there is reason to believe Mr. Tricoche may pose a threat to the health, safety, and welfare of students and emergency action is required.

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Accordingly, the educator certificate of John Louis Tricoche, educator certificate 289833, 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. Tricoche 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

s/Michael Brennan

Michael Brennan, Chair

Columbia, South Carolina
September 11, 2020