

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Dale Joseph Fox
Certificate 305918

ORDER OF SUMMARY SUSPENSION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on June 21, 2024. In accordance with S.C. Code Ann. § 1-23-370(c) (2020), § 59-5-10 (2020), 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 Dale Joseph Fox, educator certificate 305918, as a result of his arrest on the felony charge of sexual battery with a student 16 or 17 years of age, S.C. Code Ann. § 16-03-755 (B).

The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Fox 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. Fox'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. Fox of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. Fox holds a South Carolina educator certificate and has over two years of educator experience. At the time of the incident, Mr. Fox was a teacher for the Berkeley County School District (District).

On March 27, 2024, the District informed the SCDE that Mr. Fox resigned in lieu of termination following an investigation into allegations of unprofessional behavior which involved

inappropriate conduct with a student. On May 24, 2024, law enforcement arrested Mr. Fox on the felony charge of sexual battery with a student 16 or 17 years of age, S.C. Code Ann. § 16-03-755 (B). The criminal charges are related to Mr. Fox's conduct as a teacher.

The SCDE has reason to believe that, due to the serious nature of this allegation of misconduct, Mr. Fox 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. Fox'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. Fox of the summary suspension, as well as the possible suspension or revocation of her 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 (2020); S.C. Code Ann. § 59-25-160 (2020). 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 (2020); 24 S.C. Code Regs. 43-58 (2021). In accordance with S.C. Code Ann. § 1-23-370(c) (2020), "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 (2020) and State Board Rule of Governance BBABA, the Chair of the State Board finds that as a result of the allegations of Mr. Fox's 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 arrest on the felony charge of sexual battery with a student 16 or 17 years of age, there is reason to believe Mr. Fox may pose a threat to the health, safety, and welfare of students and emergency action is required.

Accordingly, the educator certificate of Dale Joseph Fox, certificate number 305918, is summarily suspended until a due process hearing is held and/or this matter is otherwise resolved.

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The SCDE is directed to serve notice on Mr. Fox of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

AND IT IS SO ORDERED.

South Carolina Board of Education

s/David C. O'Shields
David C. O'Shields, Chair

Columbia, South Carolina
June 21, 2024