BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation or	)	
	)	
Suspension of the Educator Certificate of	)	**ORDER OF**
	)	
Robert Dean Johnson,	)	**SUMMARY SUSPENSION**
	)	
Certificate 247133	)	
	)	

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on September 18, 2015. 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 Robert Dean Johnson, certificate 247133, as a result of his admission to possession of methamphetamine and his arrest on September 8, 2015, for felony drug possession.

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

FINDINGS OF FACT

Mr. Johnson holds a professional South Carolina educator certificate and has over six (6) years of teaching experience in South Carolina. He has been employed by the Horry County School District (District) since 2010 as a career and technology education (CATE) teacher at Aynor High School (School). Mr. Johnson, according to records from the Horry County Police Department, allegedly received methamphetamine, more than one (1) gram, through the United State Postal Service (USPS). Possession of one or more grams is prima facie evidence of possession with intent to distribute, a felony in South Carolina. Prior to Mr. Johnson's arrest, U.S. Postal Inspector and Horry County police officers investigated a suspicious package that arrived at the U.S. Post Office in the Aynor area of Horry County, South Carolina. A Horry County police canine gave a positive alert on the suspicious package. As a result, the U.S. Postal

Inspector obtained a federal search warrant and determined that the package contained a clear crystalline substance that field tested positive for methamphetamine, a Schedule II controlled substance. On September 8, 2015, Mr. Johnson went to the Aynor, South Carolina post office and took possession of the package addressed to him. Officers stopped Mr. Johnson after he exited the post office. Mr. Johnson stated that he was picking up the package for himself and that he knew the package contained methamphetamine. He was arrested and transported to the detention center. On September 9, 2015, the magistrate found probable cause to issue an arrest warrant which was served on Mr. Johnson. Mr. Johnson's alleged misconduct violated school board policies setting forth the District's expectations for staff conduct. As a result of his arrest, the District placed Mr. Johnson on administrative leave on September 9, 2015.

The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Johnson 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. Johnson'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. Johnson 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' may consist of any one or more of the following: . . unprofessional conduct. . . [s]ale or possession of narcotics... [a]ny conduct involving moral turpitude. . . [or] [e]vident unfitness for position for which employed. . ." S.C. Code Ann. § 59-25-160 (2004). In accordance with S.C. Code Ann. § 1-23-370(c) (2004), "[i]f 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 Mr. Johnson's felonious actions of the illegal possession and/or manufacture of a cocaine base or methamphetamine narcotic, he has engaged in unprofessional conduct, sale or possession of narcotics, conduct involving moral turpitude, and demonstrated evident unfitness for position for which employed. The Chair also finds that

there is reason to believe that Mr. Johnson may pose a threat to the health, safety and welfare of students and that emergency action is required. Accordingly, the educator certificate of Robert Dean Johnson, certificate 247133, 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. Johnson of the summary suspension, as well as, the possible suspension or revocation of his educator certificate. The suspension of Mr. Johnson's educator certificate 247133 shall be immediately reported to the NASDTEC Clearinghouse and all South Carolina school districts.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: Traci Young Cooper
Traci Young-Cooper, Ed.D., Chair

Columbia, South Carolina
September 18, 2015