

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)
)
and Voluntary Surrender of the)
)
Educator Certificate of)
)
Brandon S. Poston)
)
Certificate 245192)
_____)

**CONSENT ORDER OF
PERMANENT
VOLUNTARY SURRENDER**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on December 11, 2013. On May 31, 2013, the South Carolina Department of Education (SCDE) sent notice to Mr. Brandon S. Poston of the summary suspension of his South Carolina educator certificate 245192 and his right to a hearing by regular and certified mail, return receipt requested. After Mr. Poston received the notice, his attorney notified the SCDE that Mr. Poston was requesting a public hearing in this matter. On July 24, 2013, Mr. Poston's attorney informed the SCDE that Mr. Poston desired to waive his right to a hearing and agreed to permanently surrender his educator certificate. Mr. Poston has agreed to the terms and conditions of the Consent Order of Permanent Voluntary Surrender as stated herein.

Brandon S. Poston
245192
<i>BSP</i> Initial here
<u>12-5-13</u> Date

FINDINGS OF FACT

Mr. Poston holds a professional educator certificate and has one year of teaching experience. Mr. Poston was employed by the Greenville County School District One (District) for the 2012-2013 school year as the Band Director at Greenville Middle Academy and Eastside High School (School). On May 30, 2013, the District placed Mr. Poston on administrative leave during an investigation into allegations of Mr. Poston's inappropriate conduct of a sexual nature with a student and Mr. Poston resigned from his employment with the District.

Mr. Poston was arrested on May 30, 2013, in Greenville County, South Carolina, on criminal charges. Mr. Poston admits that he engaged in unprofessional conduct of a sexual nature with an 18 year old student who was a band member at the School on more than one occasion during the time period from February 20, 2013, through May 30, 2013.

On May 31, 2013, the Chair of the State Board, in accordance with S.C. Code Ann § 1-23-270(c) (2004), § 59-5-10 (2004) and State Board Rule of Governance BBABA, summarily suspended Mr. Poston's educator certificate as a result of his arrest on May 30, 2013, on criminal charges.

On May 31, 2013, the SCDE sent notice to Mr. Poston of the summary suspension of his South Carolina educator certificate 245192 and his right to a hearing by regular and certified mail, return receipt requested. After Mr. Poston received the notice, his attorney notified the SCDE that Mr. Poston was requesting a public hearing in this matter. On July 24, 2013, Mr. Poston's attorney informed the SCDE that Mr. Poston desired to waive his right to a hearing and agreed to permanently surrender his educator certificate.

Mr. Poston voluntarily agrees to the permanent surrender of his educator certificate 245192 and agrees to the following conditions: (1) his educator certificate will become permanently invalid and revoked immediately upon the approval by the State Board of the permanent voluntary surrender; (2) he may never apply for a South Carolina educator certificate; (3) he has waived his right to a hearing and understands that the terms set forth herein are not subject to reconsideration, collateral attack or judicial review; and (4) he agrees that his surrender will be reported to all school districts in South Carolina and the NASDTEC Clearinghouse as a permanent voluntary surrender and revocation with the reasons stated as "unprofessional conduct, immorality, and evident unfitness for position for which employed."

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); 2 S.C. Code Regs. 43-58 (2011). Just cause includes: "Unprofessional conduct, immorality, and evident unfitness for position for which employed." S.C. Code Ann. §59-25-160 (2004); 2 S.C. Code Regs. 43-58 (2011). The State Board finds that the evidence presented, which is undisputed by Mr. Poston, supports the State Board's decision that just cause exists to accept the permanent voluntary surrender of educator certificate 245192, issued under the name of Brandon S. Poston, and to permanently revoke this educator certificate effective December 11, 2013. Mr. Poston shall not be eligible to apply for an educator certificate in South Carolina in the future. Mr. Poston has waived his right to a hearing and understands that the terms set forth herein are not subject to reconsideration,

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collateral attack or judicial review. The permanent voluntary surrender and permanent revocation of Mr. Poston's educator certificate 245192 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order with the reasons stated as "unprofessional conduct, immorality, and evident unfitness for position for which employed."

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: 
David W. Blackmon, Chair

Columbia, South Carolina

December 11, 2013

I, Brandon S. Poston, S.C. Educator Certificate 245192, 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; I hereby freely, knowingly and voluntarily surrender my educator certificate to the South Carolina State Board of Education. I hereby acknowledge that this voluntary surrender shall have the same effect as a permanent revocation of my educator 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 South Carolina. I agree that I will not serve as a volunteer or be employed as an educator, paraprofessional, aide, substitute teacher, band teacher, coach, or in any other position in a public school in South Carolina, except for my parental duties with my children. I agree to the proposed Consent Order of Permanent Voluntary Surrender, consisting of three pages, and understand that this Order will be presented to the South Carolina State Board of Education on December 11, 2013.



Brandon S. Poston

12-5-13
Date