

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
or Revocation of the Educator)
)
Certificate of David Nathaniel Toney)
)
Certificate 210338)

ORDER OF SUSPENSION

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on September 10, 2014. On February 19, 2014, the South Carolina Department of Education (SCDE) sent notice to David Nathaniel Toney of the possible suspension of his educator certificate by regular and certified mail, return receipt requested. After receiving the notice, Mr. Toney contacted the SCDE and informed the SCDE that he would agree to a one year period of suspension of his educator certificate. Mr. Toney did not request a hearing in this matter. After considering the information presented by the SCDE, the State Board voted to suspend Mr. Toney’s certificate for one year, commencing on September 10, 2014, and ending on September 9, 2015.

FINDINGS OF FACT

The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (Rev. 2004) S.C. Code Ann. § 59-25-160 (Rev. 2004).

Mr. Toney holds a professional South Carolina educator certificate and has over six years of teaching experience. Mr. Toney had been employed by the Fairfield County School District (District) as a Math Teacher at Fairfield Central High School (School). Mr. Toney resigned from the District, effective January 17, 2014. On December 6, 2013, Mr. Toney was stopped for speeding during which the arresting officer noticed a strong odor of marijuana coming from the car. A search of the car yielded additional marijuana, as well as, Mr. Toney cooperatively producing a small bag of marijuana to the officer. On December 12, 2013, District officials met with Mr. Toney to discuss his arrest at which time Mr. Toney admitted to the possession of marijuana. On August 21, 2014, Mr. Toney plead guilty to Possession of Marijuana in Magistrate’s Court.

On February 19, 2014, the South Carolina Department of Education (SCDE) sent notice to David Nathaniel Toney of the possible suspension of his educator certificate by regular and certified mail, return receipt requested. After receiving the notice, Mr. Toney contacted the SCDE and informed the SCDE that he expected the possession of marijuana charge to be dismissed after a jury trial. He subsequently pled guilty to this charge on August 21, 2014. Mr. Toney did not request a hearing in this disciplinary matter involving his educator certificate and is in default.

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 (Rev. 2004); 24 S.C. Code Ann. Regs. 43-58 (Supp 2011). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (Rev. 2004). The State Board finds that the evidence presented demonstrates that Mr. Toney engaged in unprofessional conduct, as a result of his admission to having possession of marijuana. The State Board finds that the information presented supports its conclusion that just cause exists to suspend the educator certificate of David Nathaniel Toney for a period of one year commencing on September 10, 2014, and ending on September 9, 2014.

Now, therefore, it is hereby ordered that the educator certificate of David Nathaniel Toney, certificate 210338, is hereby suspended for a period of one year, commencing on September 10, 2014, and ending on September 9, 2015. The suspension of Mr. Toney’s educator certificate 210338 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

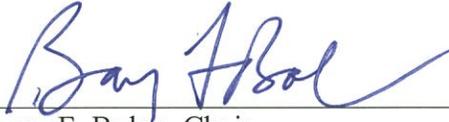
If Mr. Toney desires to have his educator certificate reinstated at the conclusion of the suspension period, he shall make a written request to the SCDE’s Office of Educator Services and shall submit documentation that he has successfully completed rehabilitation treatments and that he is safe to return to the profession of teaching. Mr. Toney must also meet all certification requirements in effect at the time he requests reinstatement and shall be responsible for the payment of all applicable reinstatement fees.

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The suspension of Mr. Toney's educator certificate shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

A handwritten signature in blue ink, appearing to read "Barry F. Bolen", is written over a horizontal line.

Barry F. Bolen, Chair

Columbia, South Carolina
September 10, 2014