

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the	)	
	)	
Educator Certificate of	)	CONSENT ORDER OF
	)	SUSPENSION
Austin Ellis Duncan	)	
	)	
<u>Educator Certificate 286422</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 11, 2019. On February 27, 2019, the South Carolina Department of Education (SCDE) sent notice via regular and certified mail, return receipt requested, to Austin Ellis Duncan concerning the pending action against his educator certificate 286422. After Mr. Duncan received the notice, his legal counsel contacted the SCDE and Mr. Duncan agreed to waive his right to a hearing and enter into this Consent Order of Suspension of his educator certificate 286422 for a period of one year. After considering the evidence presented, the State Board voted to accept the Consent Order of Suspension of Mr. Duncan's educator certificate for a period of one year, commencing on June 11, 2019, and ending on June 9, 2020.

FINDINGS OF FACT

Mr. Duncan holds a valid South Carolina professional educator certificate. He has over one year of educator experience and has no prior record of disciplinary action with the State Board. Mr. Duncan was employed by School District Five of Lexington/Richland Counties (District) as a teacher at Dutch Fork Middle School (School).

On November 8, 2019, Mr. Duncan submitted a written confession to the District where he admitted to ingesting cocaine on school grounds with a supervisor on at least one occasion. Mr. Duncan subsequently resigned from the District, effective January 8, 2019. Following Mr. Duncan's resignation, he sought and obtained treatment for substance abuse at Insights Educational and Treatment Services.

Mr. Duncan has agreed to waive his right to a hearing and to resolve this disciplinary matter by entering into an alternate resolution to the action against his educator certificate. Mr. Duncan agreed that his educator's certificate will be suspended for a period

Austin
Ellis
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286422

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of one year. After considering the evidence presented, the State Board voted to accept the Consent Order of Suspension with the terms set forth above.

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. S.C. Code Ann. § 59-25-160 (2017); 24 S.C. Code Regs. 43-58 (2017). The State Board finds that the evidence presented demonstrates that Mr. Duncan engaged in unprofessional conduct by ingesting cocaine on school grounds with a supervisor. The State Board further finds that just cause exists for the suspension of Mr. Duncan’s educator certificate for a period of one year, commencing on June 11, 2019, and ending on June 9, 2020.

Now, therefore, it is hereby ordered that the educator certificate of Austin Ellis Duncan, certificate 286422, is suspended for a period of one year, commencing on June 11, 2019, and ending on June 9, 2020.

If Mr. Duncan wishes to have his certificate reinstated at the conclusion of the period of suspension, he shall make a written request to the SCDE’s Office of Educator Services. Mr. Duncan shall be responsible for meeting all certification requirements in effect at the time he requests reinstatement and for the payment of any applicable reinstatement fees. The suspension of Mr. Duncan’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

By: s/Del-Gratia Jones
Del-Gratia Jones, Chair

Columbia, South Carolina
June 11, 2019

(signature page attached)

Austin Ellis
Duncan
286422

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I, Austin Ellis Duncan, SC Educator Certificate 286422, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator certificate holders and that I have waived my right to a hearing in this matter. I understand the terms set forth in this Consent Order of Suspension are not subject to reconsideration, collateral attack or judicial review. I agree to the terms of this Consent Order of Suspension, consisting of three pages, and understand that this Order will be presented to the State Board for approval on June 11, 2019. I also agree to not work in any certified capacity at a South Carolina public school during the term of my suspension. I understand this Consent Order will not become effective until approved by the State Board and, if not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the State Board to adjudicate this matter. If approved by the State Board, I give the SCDE permission to use my electronic signature in the style of “/S/ name” for required website publication.

Austin Duncan
Austin Ellis Duncan

6/3/19
Date