

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation or)
Suspension of the Educator Certificate of)
Augustine C. Benton,)
Certificate 081670)
_____)

**ORDER OF
SUMMARY SUSPENSION**

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on April 30, 2013. 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 Augustine C. Benton, certificate 081670, as a result of her being arrested on or about April 15, 2013, in Hartsville, South Carolina, and being charged with Assault and Battery (Third Degree) (5 counts), S.C. Code Ann § 16-3-600(E)(1) (Supp. 2012). The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Ms. Benton may pose a threat to the health, safety and welfare of students that may be under her instruction and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Ms. Benton'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 Ms. Benton of the summary suspension, as well as the possible suspension or revocation of her educator certificate.

FINDINGS OF FACT

Ms. Benton holds a professional South Carolina educator certificate and has forty years of teaching experience. Ms. Benton was employed by the Darlington County School District (District) as elementary school teacher at North Hartsville Elementary School (School). Ms. Benton is currently on administrative leave, with pay, with the District.

Ms. Benton was arrested on or about April 15, 2013, in Hartsville, South Carolina, and charged with Assault and Battery (Third Degree) (5 counts), S.C. Code Ann § 16-3-600(E)(1) (Supp. 2012). It is alleged that Ms. Benton grabbed and shoved several students causing them to suffer pain and discomfort. These offenses occurred in her classroom at the School. The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Ms. Benton may pose a threat to the health, safety and welfare of students that may be under her instruction and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of

the State Board finds that Ms. Benton'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 Ms. Benton 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 (2004). Just cause includes unprofessional conduct and crime against the law of this State, and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Ann. Regs. 43-58 (2011). In accordance with S.C. Code Ann. § 1-23-370(c) (2004), "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 (2004) and State Board Rule of Governance BBABA, the Chair of the State Board finds that as a result of the allegations of Ms. Benton's unprofessional conduct, evident unfitness for position for which employed and her arrest for Assault and Battery (Third Degree) (5 counts), S.C. Code Ann § 16-3-600(E)(1) (Supp. 2012), there is reason to believe that Ms. Benton may pose a threat to the health, safety and welfare of students and that emergency action is required. Accordingly, the educator certificate of Augustine C. Benton, certificate 081670, 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 Ms. Benton of the summary suspension, as well as the possible suspension or revocation of her educator certificate.

AND IT IS SO ORDERED.

South Carolina State Board of Education



By: _____

David W. Blackmon, Chair

Columbia, South Carolina

April 30, 2013