BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Voluntary	)	
	)	
Surrender of the Educator	)	**CONSENT ORDER OF PERMANENT VOLUNTARY SURRENDER**
	)	
Certificate of Robert V. Powell	)	
	)	
Certificate 222963	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 11, 2014. On March 1, 2013, in accordance with S.C. Code Ann. § 1-23-370(c) (Rev. 2004), § 59-5-10 (Rev. 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 V. Powell, certificate 222963, as a result of his being arrested on February 27, 2013, in Greenville County, South Carolina, and being charged with two counts of Criminal Sexual Conduct with a Minor and two counts of Committing or Attempting Lewd Act Upon Child Under Sixteen. The SCDE sent notice to Mr. Powell on March 1, 2013. On March 11, 2013, Mr. Powell received the notice as evidenced by a signed postal receipt bearing his signature. On May 12, 2014, Mr. Powell plead guilty to two counts of the felony offense of Assault and Battery, first degree, and agreed to permanently surrender his South Carolina educator certificate. Mr. Powell has agreed to enter into this Consent Order of Permanent Voluntary Surrender of his educator certificate 222963, effective June 11, 2014.

Robert V. Powell 222963
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FINDINGS OF FACT

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

Mr. Powell holds a suspended professional South Carolina educator certificate and has six years of teaching experience. Mr. Powell was employed by the Greenville County School District (District) as the Director of Bands at Ralph Chandler Middle School (School). Mr. Powell resigned from his position with the District on February 27, 2013.

On February 27, 2013, Mr. Powell was arrested in Greenville County, South Carolina, and charged with two counts of Criminal Sexual Conduct With a Minor pursuant to S.C. Code Ann. § 16-3-655(c) (Supp. 2011) and two counts of Committing or Attempting

Lewd Act Upon Child under Sixteen pursuant to § 16-15-140 (2003) following an investigation into allegations that Mr. Powell had inappropriate relationships with female students.

On March 1, 2013, in accordance with S.C. Code Ann. § 1-23-370(c) (Rev. 2004), §59-5-10 (Rev. 2004) and State Board Rule of Governance BBABA, the SCDE requested that the Chair of the State Board summarily suspend the educator certificate of Robert V. Powell, certificate 222963, as a result of his arrest on February 27, 2013, in Greenville County, South Carolina, and being charged with two counts of Criminal Sexual Conduct with a Minor and two counts of Committing or Attempting Lewd Act Upon Child Under Sixteen. The Chair found that due to the serious nature of the allegations of misconduct, Mr. Powell could pose a threat to the health, safety and welfare of students that may be under his instruction and that emergency action was required. The Chair summarily suspended Mr. Powell's educator certificate until a due process hearing was held or the matter was otherwise resolved.

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The SCDE sent notice to Mr. Powell on March 1, 2013. On March 11, 2013, Mr. Powell received the notice as evidenced by a signed postal receipt bearing his signature. Mr. Powell did not request a hearing in this matter. On May 12, 2014, Mr. Powell plead guilty to two counts of the felony offense of Assault and Battery, first degree, and agreed to permanently surrender his South Carolina educator certificate as part of the guilty plea. Mr. Powell has agreed to enter into this Consent Order of Permanent Voluntary Surrender of his educator certificate 222963, effective June 11, 2014.

Mr. Powell agrees to the permanent surrender of his South Carolina educator certificate 222963 subject to the following conditions: (1) his educator certificate will become permanently invalid and permanently revoked immediately upon the approval by the State Board of the Consent Order of Voluntary Surrender; (2) he has waived his right to a hearing and understands that the terms set forth are not subject to reconsideration, collateral attack or judicial review; and (3) he understands that the permanent surrender of his educator certificate will be reported to all school districts in South Carolina and the NASDTEC Clearinghouse as a permanent voluntary surrender and permanent revocation.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (Rev. 2004); S.C. Code Ann. § 59-25-160 (Rev. 2004). Just cause includes unprofessional conduct, crime against the law of this State or the United States, immorality and evident unfitness for position for which employed." S.C. Code Ann. § 59-25-160 (Rev. 2004); 24 S.C. Code Regs 43-58 (2011). The State Board finds that the evidence presented by the SCDE demonstrates that Mr. Powell engaged in unprofessional conduct, immorality, committed a crime against the law of this State, and demonstrated evident unfitness for position for which employed as a result of his inappropriate relationships and nonconsensual touching of female students and his guilty plea to Assault and Battery, first degree. The evidence presented supports the State Board's decision to accept the permanent voluntary surrender of educator certificate 222963, issued under the name of Robert V. Powell, and to permanently revoke and render permanently invalid Mr. Powell's educator certificate effective June 11, 2014.

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Now, therefore, it is ordered that the Consent Order of Permanent Voluntary Surrender is accepted and the educator certificate of Robert V. Powell, certificate 222963, is hereby declared permanently invalid and permanently revoked. The permanent voluntary surrender and revocation of the educator certificate of Robert V. Powell, certificate 222963 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: _____
Barry F. Bolen, Chair

Columbia, South Carolina
June 11, 2014

I, Robert V. Powell, S.C. Educator Certificate 222963, 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 of Permanent Voluntary Surrender are not subject to reconsideration, collateral attack or judicial review; and I hereby freely, knowingly and voluntarily permanently surrender my educator certificate to the South Carolina State Board of Education. I hereby acknowledge that this permanent surrender shall have the same effect as a permanent revocation of my 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 the State of South Carolina. I agree that I will not serve as a volunteer or be employed as an educator, paraprofessional, aide, substitute teacher, band teacher, tutor, coach, or in any other position in a public school in the State of South Carolina. I agree to the proposed Consent Order of Permanent Voluntary Surrender, consisting of four pages, and understand that this Order will be presented to the South Carolina State Board of Education on June 11, 2014.

Robert V. Powell

Robert V. Powell

5/12/2014

Date