BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation or Suspension of the Educator Certificate of Mark Anthony Soza, Certificate 184654	)	**ORDER OF SUMMARY SUSPENSION**

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on February 29, 2012. 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 Mark Anthony Soza, certificate 184654, as a result of his being arrested on or about February 27, 2012, in Spartanburg County, South Carolina, and being charged with a felony offense, Possession of Child Pornography, 18 U.S.C. § 2252 and 2252A(a)(5)(B) (2012). The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Soza may pose a threat to the health, safety and welfare of students that may be under his instruction and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Mr. Soza'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 Mr. Soza of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. Soza holds a professional South Carolina educator certificate and has over eight years of teaching experience. Mr. Soza was employed by the Spartanburg County School District Four (District) as a math teacher. Mr. Soza resigned from the District, effective February 24, 2012, following the District's receipt of allegations that he had participated in the possession of child pornography. On or about February 27, 2012, Mr. Soza was arrested in Spartanburg County, South Carolina and was charged with Possession of Child Pornography, pursuant to 18 U. S. C. § 2252A(a)(5)(B)(2012). The Chair of the State Board finds that due to the serious nature of these allegations, Mr. Soza may pose a threat to the safety and welfare of

students that may be under his instruction and that emergency action is required to summarily suspend Mr. Soza's 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, immorality, any conduct involving moral turpitude, 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 Mr. Soza's unprofessional conduct, immorality, conduct involving moral turpitude, evident unfitness for position for which employed and his arrest for Possession of Child Pornography, there is reason to believe that Mr. Soza may pose a threat to the health, safety and welfare of students and that emergency action is required. Accordingly, the educator certificate of Mark Anthony Soza, certificate 184654, 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 Mr. Soza of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: Dennis Thompson, Jr.
Dennis Thompson, Jr., Chair

Columbia, South Carolina
March 7, 2012