

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation or)
Suspension of the Educator Certificate of)
Darin Everett Pearson,)
Certificate 212157)
_____)

**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 2, 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 Darin Everett Pearson, certificate 212157, as a result of his being arrested on or about March 15, 2013, by the Charlotte-Mecklenburg Police Department in Charlotte, North Carolina, and being charged with three counts of Sexual Exploitation of a Child. The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Pearson 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. Pearson' educator certificate shall be summarily suspended until a due process hearing is held and/or this matter is other resolved. The SCDE is directed to serve notice on Mr. Pearson of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. Pearson holds a professional South Carolina educator certificate and has over ten years of teaching experience. Mr. Pearson has been employed by York County School District Three (District) since August 2002 and has served as the Assistant Principal at Sullivan Middle School (School) since July 2007. On March 15, 2013, the District placed Mr. Pearson on administrative leave after learning that the Charlotte-Mecklenburg Police Department had arrested Mr. Pearson and charged him with three felony counts of Sexual Exploitation of a Child following an investigation of Mr. Pearson's involvement in trading photographs depicting child pornography on electronic devices. Law enforcement informed the District that Mr. Pearson admittedly sent numerous text messages from his personal cell phone to a third party that contained vulgar and sexually explicit content. Mr. Pearson resigned from employment with the District, effective March 26, 2013.

The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Pearson 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. Pearson'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. Pearson of the summary suspension, as well as the possible suspension or revocation of his 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. Pearson's, unprofessional conduct, immorality, conduct involving moral turpitude, evident unfitness for position for which employed and his arrest on three felony charges of Sexual Exploitation of a Child, there is reason to believe that Mr. Pearson may pose a threat to the health, safety and welfare of students and that emergency action is required. Accordingly, the educator certificate of Darin Everett Pearson, certificate 212157, 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. Pearson 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:  _____

David W. Blackmon, Chair

Columbia, South Carolina

April 2, 2013