

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation or)
Suspension of the Educator Certificate of)
Jacob Lee Stewart Jr.,)
Educator Certificate 184993)
_____)

**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 1, 2019. In accordance with S.C. Code Ann. § 1-23-370(c) (2016), § 59-5-10 (2016), 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 Jacob Lee Stewart Jr., educator certificate 184993, as a result of his arrest for assaulting a student and in consideration of past disciplinary history for similar conduct.

The SCDE has reason to believe, due to the serious nature of these allegations of misconduct, Mr. Stewart may pose a threat to the health, safety, and welfare of students, who 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 Mr. Stewart'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. Stewart of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. Stewart holds a professional South Carolina educator certificate and has over thirty years of educator experience. Mr. Stewart was employed by the Bamberg County School District (District) as a coach and social studies teacher at Bamberg Ehrhardt High School (School). Mr. Stewart resigned from the District, effective January 7, 2019.

On or about January 11, 2019, the Bamberg Police Department received a request to file a report on a December 19, 2018, incident between Mr. Stewart and a student at the School. Mr.

Stewart was subsequently arrested on the misdemeanor charge of Assault and Battery, 3rd degree. The SCDE received a video of the incident on January 29, 2019, and has reviewed the evidence.

Mr. Stewart has a history of disciplinary action with the State Board. On March 12, 2002, the State Board summarily suspended Mr. Stewart's educator certification due to his arrest for one count of Assault and Battery of a High and Aggravated Nature and two counts of obstruction of justice. The victim in the 2002 assault charge was a student. Mr. Stewart pled guilty to the criminal charge. As a part of his negotiated plea and sentencing agreement, Mr. Stewart voluntarily surrendered his educator certification with the understanding he could reapply for certification three years after the surrender. His educator certificate was reinstated on August 7, 2006.

The SCDE has reason to believe, due to the serious nature of this allegation of misconduct, Mr. Stewart may pose a threat to the health, safety, and welfare of students who may be under his instruction and emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Mr. Stewart'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. Stewart of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

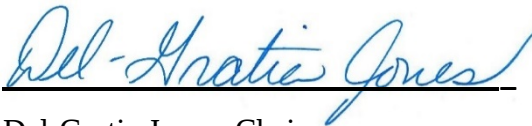
CONCLUSIONS OF LAW

"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 (2016). Just cause includes unprofessional conduct, crime against the law of this State, and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2016); 24 S.C. Code Ann. Regs. 43-58 (2016). In accordance with S.C. Code Ann. § 1-23-370(c) (2016), "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 (2016) and State Board Rule of Governance BBABA, the Chair of the State Board finds that as a result of the allegations of Mr. Stewart's unprofessional conduct and evident unfitness for the position for which employed, due to his current charge of assault against a student and in consideration of past disciplinary action of similar conduct. There is reason to believe Mr. Stewart may pose a threat to the health,

safety, and welfare of students and emergency action is required. Accordingly, the educator certificate of Jacob Lee Stewart Jr., educator certificate 184993, 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. Stewart 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: 
Del-Gratia Jones, Chair

Columbia, South Carolina
February 1, 2019