

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the

Disciplinary Action of the

Educator Certificate of

Jacob Lee Stewart, Jr.

Certificate 184993

ORDER OF PERMANENT REVOCATION

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 11, 2020. The State Board previously issued a summary suspension of Mr. Stewart's educator certificate on February 1, 2019. On February 4, 2019, and February 27, 2019, the South Carolina Department of Education (SCDE) sent Jacob Lee Stewart, Jr., a notice letter by certified mail, return receipt, restricted delivery, and regular mail, regarding possible action against his educator certificate. After receiving the notice letter, Mr. Stewart contacted the SCDE and advised that he desired to exercise his right to a hearing to resolve this matter. A hearing on the matter was held on August 16, 2019, at the SCDE. On October 18, 2019, the SCDE and Mr. Stewart received the hearing officer's preliminary report and recommendation. After considering Mr. Stewart's objections, the hearing officer issued her final report and recommendation on January 3, 2020. The hearing officer recommended that Mr. Stewart's educator certificate be permanently revoked.

After considering the evidence presented, the State Board voted to permanently revoke Mr. Stewart's educator certificate, effective February 11, 2020.

FINDINGS OF FACT

Mr. Stewart holds a valid South Carolina professional educator certificate and has over thirty years of educator experience. 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.

Mr. Stewart was employed by Bamberg School District One (District) as a teacher and wrestling coach at Bamberg-Ehrhardt High School (School). On January 8, 2019, the District reported Mr. Stewart to the SCDE for allegations of inappropriate behavior in the presence of students. Mr. Stewart was subsequently arrested by the Bamberg Police Department on a misdemeanor charge of Assault and Battery, 3rd Degree. Mr. Stewart's resignation and criminal charges stemmed from an incident at the School that occurred on December 19, 2018, where Mr. Stewart physically assaulted a member of the School's wrestling team. A video camera captured the incident and showed Stewart throw the student against a wall, slap the student in the face, yell at the student, and strike the student in the chest multiple times. The videotape of the incident was viewed at the hearing. The student and his mother testified at the hearing that Mr. Stewart assaulted him on two prior occasions; however, the student did not report Mr. Stewart to the District until Mr. Stewart assaulted him a third time. The Hearing Officer found Mr. Stewart's physical assaults against the student constituted unprofessional conduct. Specifically, the Hearing Officer found these incidents demonstrated a pattern of behavior that could pose a risk to the health, safety, and welfare of students.

In their testimony at the hearing, both the District Superintendent and the Principal of the School testified they were not aware of Mr. Stewart's prior criminal conviction and they would not have hired a teacher or coach with a violent criminal conviction. Mr. Stewart did not disclose his prior conviction or the prior summary suspension and revocation of his educator certificate in his application to the District. The Hearing Officer found this constituted dishonesty. Further, she found Mr. Stewart was not responsive to the concerns about his conduct with students.

After considering the evidence presented, the State Board voted to revoke Mr. Stewart's educator certificate, effective February 11, 2020.

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 (2017); S.C. Code Ann. § 59-25-160 (2017). Just cause includes unprofessional conduct and crimes against the laws of this state. S.C. Code Ann. § 59-25-160 (2017); 24 S.C. Code Regs. 43-58 (2017). The State Board finds that the evidence presented by the SCDE during the hearing supports a conclusion that just cause exists to suspend or revoke the educator certificate of Jacob Lee Stewart, Jr. The evidence presented supports a conclusion that Mr. Stewart engaged in unprofessional conduct as result of physically assaulting a student on multiple occasions. Also of note is Mr. Stewart's history of misconduct and dishonesty with the District about his prior record. The State Board finds that just cause exists for the issuance of an order of permanent revocation of Mr. Stewart's educator certification.

Now, therefore, it is ordered that the State Board hereby issues an Order of Permanent Revocation to Jacob Lee Stewart, Educator Certificate 184993. The Order of Permanent Revocation shall be reported to the NASDTEC clearinghouse and all South Carolina school districts within thirty days from the date of this order with the grounds listed as "unprofessional conduct." This Order of Permanent Revocation shall be posted on the SCDE's web site and shall be maintained as a public record in the SCDE's Office of General Counsel.

AND IT IS SO ORDERED.

South Carolina State Board of Education

Michael Brenan, Chair

Columbia, South Carolina
February 11, 2020