

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Mary Costa K. Marsh
Certificate 214913

ORDER OF SUMMARY SUSPENSION

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on March 16, 2021. In accordance with S.C. Code Ann. § 1-23-370(c) (2017), § 59-5-10 (2017), 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 Mary Costa K. Marsh, educator certificate 214913, as a result of her arrest on two counts of the felony charge of unlawful neglect of child, S.C. Code Ann. § 63-5-70 (2018).

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

FINDINGS OF FACT

Ms. Marsh holds a valid South Carolina professional educator certificate and has over seventeen years of educator experience. At the time of her arrest, Ms. Marsh was a teacher in Florence County School District 5 (District).

On or about March 4, 2021, Ms. Marsh was arrested on two counts of felony neglect of a minor. It was alleged that Ms. Marsh was the legal guardian of a minor who revealed incidents of abuse, and that Ms. Marsh did not report the incidents to law enforcement.

The SCDE has reason to believe that, due to the serious nature of this allegation of misconduct, Ms. Marsh may pose a threat to the health, safety, and welfare of students who may be under her instruction, and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Ms. Marsh'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 Ms. Marsh of the summary suspension, as well as the possible suspension or revocation of her 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 (2017); S.C. Code Ann. § 59-25-160 (2017). 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 (2017); 24 S.C. Code Regs. 43-58 (2017). In accordance with S.C. Code Ann. § 1-23-370(c) (2017), "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 (2017) and State Board Rule of Governance BBABA, the Chair of the State Board finds that as a result of the allegations of Ms. Marsh's unprofessional conduct, crime against the law of this State or the United States, and evident unfitness for the position for which employed, due to her felony arrest for two counts of unlawful neglect of a child, SC Code Ann. § 63-5-70 (2018), there is reason to believe Ms. Marsh may pose a threat to the health, safety, and welfare of students and emergency action is required.

Accordingly, the educator certificate of Mary Costa K. Marsh, certificate number 214913, 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 Ms. Marsh of the summary suspension, as well as the possible suspension or revocation of her educator certificate.

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AND IT IS SO ORDERED.

South Carolina State Board of Education

s/Kristi Woodall

Kristi Woodall, Ed.D., Chair

Columbia, South Carolina
March 16, 2021