

# Educator Misconduct Overview

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## Profile of the South Carolina Graduate



### World Class Knowledge

- Rigorous standards in language arts and math for career and college readiness
- Multiple languages, science, technology, engineering, mathematics (STEM), arts and social sciences

### World Class Skills

- Creativity and innovation
- Critical thinking and problem solving
- Collaboration and teamwork
- Communication, information, media and technology
- Knowing how to learn

### Life and Career Characteristics

- Integrity
- Self-direction
- Global perspective
- Perseverance
- Work ethic
- Interpersonal skills

Approved by SCASA Superintendents' Roundtable, SC Chamber of Commerce, and State Board of Education.



## **MISSION STATEMENT**

The mission of the SC Department of Education is to provide leadership and support so that all public education students graduate prepared for success.

### **Vision**

All students graduate prepared for success in college, career and citizenship. By 2018, at least one school in every District will have implemented personalized learning that will support students' meeting the Profile of the South Carolina Graduate

## **District Reporting**

- S.C. Code Regs. 43-58.1 Reporting of Terminations of Certain School District Employees
  - A District Superintendent is required to report any separation of a certified educator, based on allegations of misconduct, to the Chair of the State Board of Education and Superintendent of Education.
  - A District settlement agreement with an educator cannot circumvent this requirement.
  - Both the District Board and the Superintendent can be disciplined for failing to report.

## **Summary Suspension**

- The State Board has the statutory authority to immediately suspend an educator's certificate, if the educator may pose a threat to the health, safety or welfare of students.
- Summary suspension may be ordered at the time the SCDE initiates disciplinary action proceedings.

## **How Do We Investigate?**

- The SCDE will investigate misconduct by gathering information from law enforcement, employers and other sources. The information is reviewed by the SCDE internal review committee to determine whether the conduct warrants action on the educator's certificate.

## After the Investigation

- Before the State Board takes disciplinary action, the SCDE sends the educator notice of the charges and of the right to a hearing.
- The educator has fifteen days to request a hearing. The hearing will be conducted before a hearing officer appointed by the State Board. The hearing officer will prepare a report and recommendations for the State Board.
- The State Board will determine the appropriate disciplinary action to be taken and will issue the Order. The educator may appeal the Order to the Administrative Law Court Division.

## Just Cause

- **59-25-150 and Reg. 43-58.** Revocation or suspension of certificate.  
The State Board of Education may, for just cause, either revoke or suspend the certificate of any person.
- **59-25-160.** Revocation or suspension of certificate; "just cause" defined.
  - incompetence,
  - willful neglect of duty,
  - willful violation of the rules and regulations of the State Board of Education,
  - **unprofessional conduct,**
  - drunkenness,
  - cruelty,
  - crime against the law of this state or the United States,
  - **immorality,**
  - **any conduct involving moral turpitude,**
  - **dishonesty,**
  - evident unfitness for the position for which one is employed,
  - sale or possession of narcotics,
  - obtaining or attempting to obtain a certificate by fraudulent means or through misrepresentation of material facts,
  - failure to comply with the provisions of a contract without the written consent of the local school board,
  - test security violation,
  - failure to comply with a court order for child support, and
  - failure for a second time to complete successfully the formal evaluation process as an annual contract teacher.

## **What Can the State Board Do?**

- Permanent Revocation
- Revocation with the right to apply after three years
- Suspension for a specified period of time, sometimes
- Public Reprimand
- Letter of Concern
- Dismissal

## **What Happens Next?**

- Notice of the denial, suspension or revocation of an educator's certificate is sent to all districts in South Carolina and to the National Association Of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse.
- Notice of Public reprimand is sent only to the school districts.
- State Board Orders are public documents and are posted on the South Carolina Department of Education (SCDE) website (<https://ed.sc.gov/agency/gc/oda/>) . The Orders may be accessed by the last name of the educator or by the year in which the State Board took actions on the educator certificate.

State Board of Education Disciplinary Action July, 2009-June, 2010 Breakdown of Cases by Month	
<p><b>July</b></p> <p>5 Breach of Contract Cases 1 National Board Loan Default Case 4 Unprofessional Conduct Cases</p> <p>1- Driving Under the Influence (2 charges) <b>1- Inappropriate sexual comments to female students</b> 1- Claimed student on personal income taxes 1- Internet Acceptable Use Policy Violation</p>	<p><b>October</b></p> <p>1 Test Security Violation Case 2 Unprofessional Conduct Cases <b>2-Criminal Sexual Conduct w/a minor &lt;16 yrs.</b></p>
<p><b>August</b></p> <p>7 ADEPT Failure Cases 3 National Board Loan Default Cases 7 Unprofessional Conduct Cases</p> <p>1- Internet Acceptable Use Policy Violation 1- Breach of Professional Ethics <b>1-Sexual Misconduct with a student</b> 1- Ethical Test Security Violation <b>1- Criminal sexual conduct with a minor</b> <b>1- Criminal sexual solicitation of a minor</b> 1- (6 cts.) Contributing to the Delinquency of a minor</p>	<p><b>November</b></p> <p>6 Unprofessional Conduct Cases</p> <p>1- Falsified Lunch Applications &amp; Violated District Technology Policy <b>1- Indecent Liberties w/student &amp; Sexual Battery in North Carolina</b> <b>1- Lewd Act Upon a Minor Child; plead to ABHAN 1- Misconduct and Immorality in Florida;</b> and misrepresentation on SC application <b>1- (5 cts.) Criminal Sexual Conduct w/a Minor;(5 cts.) Lewd Act Upon a Minor</b> <b>1- (2<sup>nd</sup> Degree) Criminal Sexual Conduct w/ Minor</b></p>
<p><b>September</b></p> <p>7 National Board Loan Default Cases 1 Breach of Contract Case (Dismissal- No Action) 2 Unprofessional Conduct Case</p> <p>1-Contributing to the delinquency of minor; enticing an enrolled child from school; test security violation <b>1- Indecent Exposure in Lewd Manner</b></p>	<p><b>December</b></p> <p>1Breach of Contract Case 2National Board Loan Default Cases 1 Test Security Violation Case 4 Unprofessional Conduct Cases</p> <p>1- Internet Acceptable Use Policy Violation <b>1- Inappropriate conduct with a student</b> <b>1- (3 cts) Lewd Act Upon a child &lt; 16; (3 cts) Criminal Sexual Misconduct w/a minor; plead to ABHAN</b> 1- Failed to Maintain Complete and Accurate Records</p>

## 16-3-755, Sexual Battery With a Student

- If a person affiliated with a public or private secondary school in an official capacity engages in sexual battery with a student enrolled in the school who is sixteen or seventeen years of age, and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a felony and, upon conviction, must be imprisoned for not more than five years.
- If a person affiliated with a public or private secondary school in an official capacity engages in sexual battery with a student enrolled in the school who is eighteen years of age or older, and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for thirty days, or both.
- If a person affiliated with a public or private secondary school in an official capacity has direct supervisory authority over a student enrolled in the school who is eighteen years of age or older, and the person affiliated with the public or private secondary school in an official capacity engages in sexual battery with the student, and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a felony and, upon conviction, must be imprisoned for not more than five years.
- This section does not apply if the person affiliated with a public or private secondary school in an official capacity is lawfully married to the student at the time of the act.

HISTORY: 2010 Act No. 265, Section 1, eff June 24, 2010.

State Board of Education Disciplinary Action July, 2009-June, 2010 Breakdown of Cases by Month	
<b>January</b> No State Board Meeting Held	<b>May</b> 3 Unprofessional Conduct Cases 1- (Third Degree) Criminal Sexual Conduct w/a minor 1- Inappropriate Relationship/w a student 1- Inappropriate Comments in the presence of students
<b>February</b> 1 Breach of Contract Case 3 National Board Loan Default Cases 4 Unprofessional Conduct Cases 1- Inappropriate Communications w/a student & Inappropriate Relationship/w a student 1- Contributing to the Delinquency of a Minor 1- Use of Illegal Drugs 1- Internet Acceptable Use Policy Violation	<b>June</b> 6 Unprofessional Misconduct Cases 2- Inappropriate Disciplinary Techniques 1- Falsified School Documents 1- Violation of Drug and Alcohol Free Work Place Policy 1- Inappropriate Communications w/a Student 1- Unprofessional Conduct
<b>March</b> No State Board Meeting Held	
<b>April</b> 1 Test Security Violation Case 2 Breach of Contract Cases 3 Reinstatements 12 Unprofessional Conduct Cases 1- Criminal Solicitation of Minor 1- (3 cts) First Degree Criminal Sexual Conduct 1- Possession of Alcohol on School Premises 1- Internet Acceptable Use Policy Violation 2- Falsifying Signatures and Information on IEP document 1- Assault with intent to Kill 2- Lewd Act Upon a Minor < 16 1- Inappropriate Communications w/a student & Inappropriate Relationship/w a student 1- Possession of Illegal Substances and Drug Paraphernalia	

## State Board Actions for July, 2009-June, 2010

<b>Number of Cases Presented:</b>	<b>88</b>
<b>Number of Sexually Related Cases:</b>	<b>23</b>
<b>Percentage of Sexually Related Cases:</b>	<b>26%</b>

State Board of Education Disciplinary Action July, 2010-June, 2011 Breakdown of Cases by Month	
<p><b>July</b></p> <p>1 Breach of Contract Case 6 Unprofessional Conduct Cases</p> <p>2- Inappropriate Disciplinary Techniques <b>1- Inappropriate Relationship/w a student</b> 1- Inappropriate Comments in the presence of students <b>1- Inappropriate Communications w/a Student</b> 1- Violation of Telephone and Computer Crime Act (3<sup>rd</sup> Deg.)</p>	<p><b>October</b></p> <p>2 National Board Loan Default Cases 3 Unprofessional Conduct Cases</p> <p>1- Inappropriate Comments in the presence of students <b>1- Inappropriate Relationship/w a student</b> 1- Leaving Children Unattended</p>
<p><b>August</b></p> <p>No State Board Meeting</p>	<p><b>November</b></p> <p>No State Board Meeting</p>
<p><b>September</b></p> <p>1 National Board Loan Default Case 10 Unprofessional Conduct Cases</p> <p><b>1 Inappropriate Communications w/a student</b> <b>2 Assault and Battery of High and Aggravated Nature</b> 1- Inappropriate Comments in the presence of students 1- Forged Signatures on IEP Documents 1- Inappropriate Disciplinary Techniques 1- Unlawful Possession of Firearm on School Premises 1- Internet Acceptable Use Policy Violation 1- Substance Abuse <b>1- Inappropriate Relationship/w a student</b></p>	<p><b>December</b></p> <p>1 Breach of Contract Case 10 Unprofessional Conduct Cases</p> <p>2- Internet Acceptable Use Policy Violation <b>2- Inappropriate Communications w/a student</b> <b>1- Inappropriate Contact/w a student</b> 1- Inappropriate Disciplinary Techniques &amp; - Inappropriate Comments in the presence of students <b>1- (2<sup>nd</sup> Degree) Criminal Sexual Conduct with a Minor</b> 1- Inappropriate Disciplinary Techniques 1- Inappropriate Comments to Co-workers and Visitors 1- Failure to Report Suspected Child Abuse</p>

State Board of Education Disciplinary Action July, 2010-June, 2011 Breakdown of Cases by Month	
<p><b>January</b></p> <p>No State Board Meeting in January</p>	<p><b>April</b></p> <p>4 Unprofessional Conduct Cases</p> <p>1- Inappropriate Remark in presence of students 1- Inappropriate Remarks and Gestures to Staff <b>1- (2 cts.) Criminal Sexual Conduct (2<sup>nd</sup> Degree)</b> 1- Use of Controlled Substance</p>
<p><b>February</b></p> <p>3 Breach of Contract Cases 3 Unprofessional Conduct Cases</p> <p><b>1- (2 cts.) Lewd Act upon a Minor; (5 cts.) Contributing to the Delinquency of a Minor; (1 ct.) Exposing Private Parts in a Lewd and Lascivious Manner; (1 ct.) Enticing Enrolled Child from Attendance in School; (3 cts.) ABHAN; (7 cts.) Criminal Sexual Misconduct w/a Minor (2<sup>nd</sup> Degree)</b> <b>1- Inappropriate Relationship/w a student</b> <b>1- Criminal Sexual Conduct w/a Minor</b></p>	<p><b>May</b></p> <p>1 Breach of Contract Case 1 National Board Loan Default Case 3 Unprofessional Conduct Cases</p> <p><b>1- Inappropriate Communications w/ a student</b> <b>1- Criminal Sexual Conduct w/ a Minor; Disseminating Harmful Material to Minors</b> <b>1- (2 cts) Sexual Exploitation of a Minor (3<sup>rd</sup> Degree)</b></p>
<p><b>March</b></p> <p>1 Breach of Contract Case 6 Unprofessional Conduct Cases</p> <p>1- Contributing to the Delinquency of a Minor 1- Internet Acceptable Use Policy Violation 1- Assault and Battery (2<sup>nd</sup> Degree) 1- Surrender of License in another State <b>1- Unprofessional Conduct w/ students</b> <b>1- Inappropriate Relationship/w a student</b></p>	<p><b>June</b></p> <p>1 Test Security Violation Case 1 Breach of Contract Case 4 Unprofessional Conduct Cases</p> <p>1- Inappropriate Disciplinary Techniques 1- Threatening Life, Person, or Family of Public Official or Public Employee; Obstruction of Mail (2 cts.) <b>1- (5 cts) Criminal Sexual Misconduct with a Minor (2<sup>nd</sup> degree); (4 cts) Lewd Act Upon a Child &lt; 16</b> <b>1- Sexual Battery with a Student</b></p>



## State Board Actions for July, 2010-June, 2011

**Number of Cases Presented:** **62**  
**Number of Sexually Related Cases:** **20**  
**Percentage of Sexually Related Cases:** **32%**

### State Board of Education Disciplinary Action July, 2011-June, 2012 Breakdown of Cases by Month

**July**  
No State Board Meeting in July

**August**  
5 Adept Failure Cases  
7 Unprofessional Conduct Cases  
1- Internet Acceptable Use Policy Violation  
1- Inappropriate Relationship w/ a Staff Member  
**1- Assault w/ Intent to Commit Criminal Sexual Conduct**  
**1- Inappropriate Conduct and Communication w/ a Student**  
**1- (26 cts) Sexual Exploitation of a Minor (2<sup>nd</sup> Degree)**  
**1- Criminal Sexual Conduct w/ a Minor**  
1- (2 cts) Obtaining Controlled Substances by Fraud/  
Violation of Drug Distribution Laws

**September**  
2 Breach of Contract Cases  
2 Unprofessional Conduct Cases  
**1- Inappropriate Communications w/ a Student**  
1- Inappropriate Remark to a Student

**October**  
2 ADEPT Failure Cases  
1 Test Security Violation Case  
6 Unprofessional Conduct Cases  
1- Crimes Against a Federally Chartered or Insured  
Financial Institution  
1- Internet Acceptable Use Policy Violation  
1- Withdrawing Money from School Athletic Account  
1- Aiding Students on Quiz  
1- Procedural and Substantive Irregularities Concerning  
IEP Documents  
**1- Inappropriate Relations w/ a Student**

**November**  
ADEPT Failure Case  
2 Unprofessional Conduct Cases  
**1- Criminal Sexual Conduct w/ a Minor; Committing or Attempting Lewd Act Upon Child < 16**  
1- Embezzlement; Forgery; Criminal Conspiracy &  
Obtaining Signature or Property by False Pretenses

**December**  
3 ADEPT Failure Cases  
Unprofessional Conduct Cases  
1- Assault (3<sup>rd</sup> Degree)  
1- Assault and Battery (2<sup>nd</sup> Degree)  
1- Assault and Battery (3<sup>rd</sup> Degree)  
1- Directing Teachers to Manipulate Grades

<b>State Board of Education Disciplinary Action July, 2011-June, 2012 Breakdown of Cases by Month</b>	
<p><b>January</b></p> <p>3 Unprofessional Conduct Cases</p> <p>1- <b>Criminal Sexual Conduct (2<sup>nd</sup> Degree)</b></p> <p>1- <b>Disseminating Obscene Material to Person &lt; 18</b></p> <p>1- Taking and Selling District Property</p>	<p><b>April</b></p> <p>1 National Board Loan Default Case</p> <p>3 Unprofessional Conduct Cases</p> <p>1- Contributing to the Delinquency of a Minor</p> <p>1- <b>Possession of Child Pornography</b></p> <p>1- Driving Under the Influence (2<sup>nd</sup> Offense)</p>
<p><b>February</b></p> <p>No State Board Meeting</p>	<p><b>May</b></p> <p>2 National Board Loan Default Cases</p> <p>Unprofessional Conduct</p> <p>1- <b>Inappropriate Communications w/ a Student and Assault</b></p> <p>1- Internet Acceptable Use Policy Violation</p>
<p><b>March</b></p> <p>6 Breach of Contract Cases</p> <p>1 ADEPT Failure Case</p> <p>2 National Board Loan Default Cases</p> <p>6 Unprofessional Conduct Cases</p> <p>1- Tampering with IEP Documents</p> <p>1- Allowing Student to Drive Teacher's Car</p> <p>1- <b>Inappropriate Communications w/ a Student</b></p> <p>1- Inappropriate Search of Student's Person</p> <p>1- Converting District Funds for Personal Use</p> <p>1- <b>(2cts) Sexual Battery w/a Student</b></p>	<p><b>June</b></p> <p>No State Board Meeting</p>

**State Board Actions for July, 2011-June, 2012**

<b>Number of Cases Presented:</b>	<b>55</b>
<b>Number of Sexually Related Cases:</b>	<b>13</b>
<b>Percentage of Sexually Related Cases:</b>	<b>24%</b>

State Board of Education Disciplinary Action July, 2012-June, 2013 Breakdown of Cases by Month	
<p><b>July</b></p> <p>1 Breach of Contract Case 6 Unprofessional Conduct Cases</p> <p>1- Failure to Comply with District Conduct Policy <b>1- (2cts) Disseminating Harmful Material to Minors &amp; Exhibiting Harmful Performance to Minors</b></p> <p>1- Falsified Documents Pertaining to Homebound Students <b>1- Criminal Sexual Conduct w/ a Minor; Committing or Attempting Lewd Act Upon Child &lt; 16</b></p> <p>1- Inappropriate Use of School Funds 1- Inappropriate Remarks in the presence of Students; Allowing 'Banned' Volunteer to be in the Presence of Students</p>	<p><b>October</b></p> <p>National Board Loan Default Case 6 Unprofessional Conduct Cases</p> <p>1- Illegal Substance Abuse <b>1- (11 cts) Criminal Sexual Conduct w/ a Minor; (13 cts) Committing or Attempting Lewd Act Upon Child &lt; 16</b></p> <p><b>1- Sexual Battery w/a Student</b> <b>1- (9 cts) Contributing to the Delinquency of a Minor; Criminal Sexual Conduct w/a Minor between ages 11-14</b></p> <p><b>1- Inappropriate Relations w/a Student</b> 1- Threatening a Public Employee</p>
<p><b>August</b></p> <p>2 National Board Loan Default Cases 2 Breach of Contract Cases 7 Unprofessional Conduct Cases</p> <p>1- Inappropriate Use of School Funds <b>1- Inappropriate Communications w/a Student</b></p> <p>1- Embezzlement and Breach of Trust <b>1- Inappropriate Sexual Conduct on School Premises</b></p> <p>1- Illegal Substance Abuse 1- Internet Acceptable Use Policy Violation 1- Falsifying School Records</p>	<p><b>November</b></p> <p>1 ADEPT Failure Case 5 Unprofessional Conduct Cases</p> <p><b>1- Inappropriate Conduct towards a Student</b> <b>1- Sexual Battery w/a Student</b></p> <p>1- Under the Influence of Alcohol on School Premises <b>2- Disseminating Obscene Material to Person &lt; 18; Contributing to the Delinquency of a Minor</b></p>
<p><b>September</b></p> <p>3 Unprofessional Conduct Cases</p> <p>1- Embezzlement of Public Funds; Breach of Trust with Fraudulent Intent; Financial Transaction Card Fraud <b>1- Inappropriate Communications w/a Student</b> <b>1- Inappropriate Relations w/a Student</b></p>	<p><b>December</b></p> <p>1 Unprofessional Conduct Case <b>Solicitation of Prostitution</b></p>

State Board of Education Disciplinary Action July, 2012-June, 2013 Breakdown of Cases by Month	
<p><b>January</b></p> <p>State Board did not hold hearings on teacher cases Summary Suspension Unprofessional Conduct <b>Sexual Battery with a Student</b></p>	<p><b>April</b></p> <p>State Board did not hold hearings on teacher cases 4 Summary Suspensions Unprofessional Conduct</p> <p>1- Assault and Battery (3<sup>rd</sup> Degree) <b>1- Inappropriate Relations w/a Student</b> <b>1- Sexual Exploitation of a Child (Revocation in June)</b> <b>1- Unlawful Conduct Towards a Child</b></p>
<p><b>February</b></p> <p>State Board did not hold hearings on teacher cases Summary Suspension Unprofessional Conduct <b>Criminal Sexual Conduct w/a Minor (3<sup>rd</sup> Degree)</b></p>	<p><b>May</b></p> <p>1 Breach of Contract Case 6 Unprofessional Conduct Cases</p> <p><b>1- Inappropriate Communications w/a Student</b> <b>1- Assault and Battery of a High and Aggravated Nature</b> <b>2- Sexual Battery with a Student (summary suspension)</b></p> <p>1- Assault and Battery (3<sup>rd</sup> Degree) 1- Breach of Trust</p>
<p><b>March</b></p> <p>5 Unprofessional Conduct Cases</p> <p>1- Assault and Battery (2<sup>nd</sup> Degree) <b>1- Inappropriate Relations w/a Student</b></p> <p>1- Falsifying School Records 1- Contributing to the Delinquency of a Minor <b>1- (2 cts) Criminal Sexual Conduct w/ a Minor; (2 cts) Committing or Attempting Lewd Act Upon Child &lt; 16</b></p>	<p><b>June</b></p> <p>3 Unprofessional Conduct Cases</p> <p>1- Misuse of School Funds <b>1- Indecent Exposure</b> <b>1- Sexual Exploitation of a Child</b></p>

## State Board Actions for July, 2012-June, 2013

**Number of Cases Presented: 56**  
**Number of Sexually Related Cases: 30**  
**Percentage of Sexually Related Cases: 54%**

### State Board of Education Disciplinary Action July, 2013-June, 2014 Breakdown of Cases by Month

#### July

State Board did not hold hearings on teacher cases

#### August

5 ADEPT Failure Cases  
2 Unprofessional Conduct Cases  
**1- Disseminating Obscene Material to Person < 18**  
1- Suspension of Educator Certificate in another State

#### September

1 ADEPT Failure Case  
1 Breach of Contract  
6 Unprofessional Conduct  
**1- Inappropriate Conduct towards a Student**  
1- Tampering with School Records  
**1- (4 cts) Criminal Sexual Conduct w/a Minor ages 11-14; (7 cts) Criminal Sexual Conduct w/a Minor <16 (2<sup>nd</sup> Degree); (13 cts) Lewd Act upon a Child <16**  
**1- Inappropriate Communications w/a Student**  
**2- Sexual Battery with a Student**

#### October

4 Unprofessional Conduct Cases  
**1- Inappropriate Communications w/a Student**  
1- Embezzlement of Public Funds  
**1- Disseminating Obscene Material to Person < 18**  
**1- Sexual Battery with a Student**

#### November

4 Unprofessional Conduct Cases  
**1 Inappropriate Relations with a Student**  
2 Contributing to the Delinquency of a Minor  
1- Assault and Battery of a High and Aggravated Nature

#### December

4 National Board Loan Default Cases  
6 Unprofessional Conduct Cases  
**1- Inappropriate Relations w/a Student (Summary Suspension)**  
1- Inappropriate Remarks in the Presence of Students  
**1- (2 cts) Disseminating Obscene Material to Person < 18; Contributing to Delinquency of Minor**  
**1- Sexual Battery w/a Student (suspended in May)**  
1- Internet Acceptable Use Policy Violation  
**1- (5 cts) Sexual Battery w/a Student**

State Board of Education Disciplinary Action July, 2013-June, 2014 Breakdown of Cases by Month	
<p><b>January</b></p> <ul style="list-style-type: none"> <li>1 Summary Suspension</li> <li>3 Unprofessional Conduct Cases                             <ul style="list-style-type: none"> <li>1- Assault and Battery of a High and Aggravated Nature</li> <li>1- Suspension of Educator Certificate in another State</li> <li>1- <b>Disseminating Obscene Material to Person &lt; 18</b></li> </ul> </li> </ul>	<p><b>May</b></p> <ul style="list-style-type: none"> <li>1 Summary Suspension</li> <li>1 Unprofessional Conduct Case                             <ul style="list-style-type: none"> <li>1- <b>Sexual Battery with a Student (2 felony counts); Sexual Batter with a Student (1 misdemeanor count)</b></li> </ul> </li> </ul>
<p><b>February</b></p> <ul style="list-style-type: none"> <li>1 Unprofessional Conduct Case                             <ul style="list-style-type: none"> <li>1- <b>Criminal Sexual Conduct with a Minor, 2<sup>nd</sup> degree</b></li> </ul> </li> </ul>	<p><b>June</b></p> <ul style="list-style-type: none"> <li>3 Failure to Repay Student Loans</li> <li>1 Breach of Contract</li> <li>6 Unprofessional Conduct Cases                             <ul style="list-style-type: none"> <li>1- Tested Positive for Drugs</li> <li>1- <b>Sexual Relationship with a Student; Inappropriate Communication with a Student</b></li> <li>1- <b>Criminal Sexual Conduct with a Minor (2 counts); Lewd Act upon a Child &lt;16 (2 counts)</b></li> <li>1- Unprofessional Conduct with a Student's Parent</li> <li>1- Inappropriate Communication with a Student</li> <li>1- Falsifying Documents</li> </ul> </li> </ul>
<p><b>March</b></p> <ul style="list-style-type: none"> <li>5 Breach of Contract</li> <li>5 Unprofessional Conduct Cases                             <ul style="list-style-type: none"> <li>1- Possession of Illegal Drugs/Controlled Substance</li> <li>2- <b>Inappropriate Relationship w/a Student</b></li> <li>1- <b>Sexual Battery with a Student (5 counts)</b></li> <li>1- <b>Inappropriate Communications with a Student</b></li> </ul> </li> </ul>	
<p><b>April</b></p> <ul style="list-style-type: none"> <li>1 Breach of Contract</li> <li>6 Unprofessional Conduct Cases                             <ul style="list-style-type: none"> <li>1- Conspiracy to Commit Mail Fraud</li> <li>1- <b>Inappropriate Conduct with Students</b></li> <li>1- Assault and Battery 1<sup>st</sup> degree</li> <li>1- Inappropriate Actions with Student Records</li> <li>1- <b>Inappropriate Communications Regarding Students; Sex with a Student's Parent</b></li> <li>1- Inappropriate Modification to Student Records</li> </ul> </li> </ul>	

## State Board Actions for July, 2013-June, 2014

<b>Number of Cases Presented:</b>	<b>66</b>
<b>Number of Sexually Related Cases:</b>	<b>25</b>
<b>Percentage of Sexually Related Cases:</b>	<b>38%</b>

State Board of Education Disciplinary Action July, 2014-June, 2015 Breakdown of Cases by Month	
<p><b>July</b></p> <p>1 Unprofessional Conduct Case</p> <p>1- Using profanity, potentially Discriminatory Connotations and Demeaning slurs</p>	<p><b>1- Assault and Battery of a High and Aggravated Nature; Inappropriate Communication with a Student</b></p>
<p><b>August</b></p> <p>1 Breach of Contract</p> <p>7 Unprofessional Conduct Cases</p> <p>1- Violation of School Policy/Failure to Report Arrest</p> <p>1- Assault and Battery 2<sup>nd</sup> degree</p> <p>1- Working While Intoxicated</p> <p>1- Possession of Alcohol at School</p> <p>1- Out of state action/ Falsifying Documentation</p> <p><b>1- Criminal Sexual Conduct with a Minor 2<sup>nd</sup> degree (3 counts)</b></p> <p>1- Irregularities/Non-compliance and Falsification of IEPs</p> <p><b>1- Inappropriate Communication with Female Staff and Female Applicants</b></p>	<p><b>November</b></p> <p>1 Summary Suspension</p> <p>1 Breach of Contract</p> <p>1 ADEPT Failure Case</p> <p>5 Failure to Repay Student Loans</p> <p>2 Unprofessional Conduct Cases</p> <p>1- Failure to Follow the District's Discipline Policy</p> <p>1- Petit Larceny</p>
<p><b>September</b></p> <p>2 Unprofessional Conduct Cases</p> <p>1- Assault and Battery of a High and Aggravated Nature</p> <p>1- Possession of Marijuana</p>	<p><b>December</b></p> <p>3 Summary Suspensions</p> <p>1 Breach of Contract</p> <p>1 Unprofessional Conduct Case</p> <p>1- Failure to Maintain Medicaid and Student Records</p> <p>1- Failure to follow the District's Disciplinary Policy; Inappropriate Language Towards Students</p>
<p><b>October</b></p> <p>2 Breach of Contract</p> <p>2 ADEPT Failure Case</p> <p>2 Unprofessional Conduct Cases</p> <p>1- Contributing to the Delinquency of a Minor</p>	

State Board of Education Disciplinary Action July, 2014-June, 2015 Breakdown of Cases by Month	
<p><b>January 2</b></p> <p>Summary Suspensions 1</p> <p>Breach of Contract</p> <p>4 Unprofessional Conduct Cases</p> <p>1- Falsifying Reported Work Hours</p> <p>1- Failure to Maintain Medicaid and Student Records; Falsifying Records</p> <p>1- Inappropriate Interactions with Staff and Students</p> <p>1- Consent Order for Removal of Certification in the Academic Area of Special Education, Multi-Categorical</p>	<p><b>April</b></p> <p>1 Summary Suspension</p> <p>3 Breach of Contract</p> <p>1 ADEPT Failure Case</p> <p>1 Test Security Violation</p> <p>3 Unprofessional Conduct Cases</p> <p><b>1- Criminal Sexual Conduct with a Minor, 2<sup>nd</sup> degree; Criminal Solicitation of a Minor; Contributing to the Delinquency of a Minor; Assault and Battery 2<sup>nd</sup> degree</b></p> <p>1- Failure to follow the District's Disciplinary Policy</p> <p><b>1- Sexual Battery with a Student</b></p>
<p><b>February</b></p> <p>2 Summary Suspensions</p> <p>2 Breach of Contract</p> <p>3 Unprofessional Conduct Cases</p> <p>1- Failure to Report a Student Being Struck by a Shadow</p> <p>1- Petit Larceny</p> <p>1- Assault and Battery of a High and Aggravated Nature</p>	<p><b>May</b></p> <p>The State Board of Education did not hold hearings on teacher cases.</p>
<p><b>March</b></p> <p>3 Breach of Contract</p> <p>4 Unprofessional Conduct Cases</p> <p><b>1- Inappropriate Sexual Relationships with 3 students</b></p> <p>1- Breach of Trust with Fraudulent Intent</p> <p><b>1- Inappropriate Sexual Relationship with a student</b></p> <p><b>1- Unlawful Possession of Child Pornography/ Sexual Exploitation of a Minor</b></p>	<p><b>June</b></p> <p>1 Summary Suspension</p> <p>3 Breach of Contract</p> <p>6 Unprofessional Conduct Cases</p> <p><b>1- Sexual Battery with a Student</b></p> <p>1- Failure to follow the District's Disciplinary Policy</p> <p><b>1- Sexual Battery with a Student; Disseminating Obscene Material to a Minor</b></p> <p><b>1- Inappropriate Touching of a Student</b></p> <p>1- Inappropriate Professional Judgement of a Student's Attire; Inappropriate use of Social Media</p> <p>1- Bringing Contraband into a Prison</p>

## **State Board Actions for July, 2014-June, 2015**

<b>Number of Cases Presented:</b>	<b>72</b>
<b>Number of Sexually Related Cases:</b>	<b>11</b>
<b>Percentage of Sexually Related Cases:</b>	<b>15%</b>

## **What can we do to prevent sexual misconduct in our schools?**

Educate District Administration,  
District Staff,  
Students, and  
Parents.

## **What is Child Sexual Abuse?**

- Any sexual act between an adult and a minor or between two minors when one exerts power over the other.
- Forcing or persuading a child to engage in any type of sexual act. Besides sexual contact, it also includes non-contact acts such as exhibitionism, exposure to pornography, voyeurism, and communicating in a sexual manner by phone or internet.
- An agonizing and traumatic experience for its victims
- A crime punishable by law.

## **Background Information**

Experts estimate that 1 in 4 girls and 1 in 6 boys have been sexually abused before their 18th birthday. A regular classroom could have between 4 and 6 students in their class who have been violated in some way.

Students may have never been provided any guidance on what are inappropriate touches and that these touches are wrong.



## Erin's Law in South Carolina

**SECTION 59-32-20.** Selection or adoption of instruction units by state board required.

(A) Before August 1, 1988, the board, through the department, shall select or develop an instructional unit with separate components addressing the subjects of reproductive health education, family life education, pregnancy prevention education, and sexually transmitted diseases and make the instructional unit available to local school districts. The board, through the department, also shall make available information about other programs developed by other states upon request of a local school district.

**(B) In addition to the provisions of subsection (A), before September 1, 2015, the board, through the department, shall select or develop instructional units in sexual abuse and assault awareness and prevention, with separate units appropriate for each age level from four-year-old kindergarten through twelfth grade.**

## MEET ERIN MERRYIN



Erin Merryin is a childhood sexual abuse survivor turned author, speaker, child advocate and activist. She is also the founder and president of Erin's Law.

A survivor of rape by an uncle, from age 6-8; plus incest by an older cousin, from age 11-13 (without her parents' knowledge), Erin is now on a mission to persuade all 50 states to pass Erin's Law, which mandates that all public schools use age-appropriate curricula to teach students how to report anyone who touches or attempts to touch their private parts.

### **Requirement to Implement Erin's Law**

The purpose of the law is to assure that all students, Pre-Kindergarten through High School receive this prevention instruction during the academic school year. The intent of the law is to give students skills in knowing how to stay safe from sexual assault and how to report any incidents of sexual assault. These instructional units were written as a resource guide for teachers to implement Erin's Law. It is **NOT** mandatory that teachers use these resources. Schools and districts have the option to select their own materials for the instruction.

**On August 12, 2015, the State Board of Education approved the SCDE: Comprehensive Health Education Instructional Units and Resources for Sexual Abuse and Sexual Assault Prevention.**

## School Staff Training

Prevention training should be provided for all school staff. This training should include mandatory reporting requirements, who should make reports and how these reports are to be made. Also, to understand how to detect physical, emotional, and behavioral signs of possible sexual abuse. Additional training information can be found from the following:

- Darkness to Light: End Child Sexual Abuse  
([http://www.d21.org/site/c.4dICIJOkgcISE/b.6035035/k.8258/Prevent\\_Child\\_Sexual\\_Abuse.htm](http://www.d21.org/site/c.4dICIJOkgcISE/b.6035035/k.8258/Prevent_Child_Sexual_Abuse.htm#.VZIMMfIViko) #.VZIMMfIViko)
- South Carolina Network of Children's Advocacy Centers  
<http://www.cac-sc.org/about-us/locate-a-local-center/> (Listing of local centers)
- National Children's Advocacy Center <http://www.nationalcac.org/>
- National Children's Alliance <http://www.nationalchildrensalliance.org/>

## Resources and Websites for Sexual Abuse Prevention

- Lesson Plan for Adolescent Issues Unit Introduction By Nicole Sledge Grades: 9–12 Unit Plan: Adolescent Issues <http://www.scholastic.com/teachers/lesson-plan/adolescent-issues-unit-introduction>
- Pittsburgh Action Against Rape: Anderson, J. Brown, G. Evans, J. Sankovich, E. Sims, J. Sexual Harassment Prevention in the Schools: A Facilitator's Manual and Curriculum for Grades 1 through 12. Pennsylvania Coalition Against Rape (PCAR), 2009.
- <http://www.childmolestationprevention.org/>
- <https://www.childwelfare.gov/>
- <http://www.erinmerryn.net/erins-law.html/>
- <http://www.mysati.com/Downloads/Curriculum.pdf>
- <http://www.childluresprevention.com>
- <http://www.loveisnotabuse.com>
- <http://www.breakthecycle.org/>
- <http://www.kidslivesafe.com>
- <http://www.kingcounty.gov/healthservices/health/personal/famplan/educators/FLASH.aspx>
- <http://nomore.org/>
- <https://www.taalk.org/>
- <http://www.d21.org/>
- <https://www.rainn.org/>
- <http://www.stopitnow.org/>

## **Requirement of Mandatory Reporting**

When a child discloses a violation to a school employee (teacher, bus driver etc.) that individual must report the incident immediately to DSS and to Law Enforcement. Those reporting the information are not the investigators but should get the following information.

- WHO is the accused?
- WHAT did the person do?
- WHEN did it happen?
- WHERE did it happen?

## **STUDENT EXPECTATIONS FOR ALL GRADES**

When using the Sexual Abuse and Sexual Assault Prevention Instructional Units, teachers should set the stage to be sure their classroom is a safe place.

- Everyone needs to know what to do if an adult acts in a sexual way with them or uses sexual words with them.
- It is acceptable to feel uncomfortable when discussing these issues.
- It is inappropriate to laugh or be silly in this type of discussion.
- Classroom discussions will not include what has happened or almost happened to a student or someone the student knows.
- When a student has something personal to share, it should be done in private with someone the student trusts. This includes the teacher, a guidance counselor, a teaching assistant, or administrator. All inappropriate actions should be reported.
- If something inappropriate happens to a student, the student should recognize it is not his/her fault.

## **ACTION STEPS FOR SCHOOL DISTRICTS**

- Policy Prohibiting Sexual Exploitation and Unprofessional Conduct
- Carefully Screen and Select All New Employees
- Review/Revise All Policies
- Centralize and Maintain Record Keeping
- Require Training for All Employees
- Require Training for All Students and Parents

## **ACTION STEPS FOR PRINCIPALS**

- Acknowledge That Exploitation May Exist
- Pay Attention
- Don't Allow Bias to Cause Judgment Errors
- Conduct and Reinforce Training for All Staff
- Enforce the Anti-Fraternization Policy
- Keep Up-to-Date on Current Legal Issues
- Reinforce District Training for All Students and Parents
- Educate Students About Exploitation

## **ACTION STEPS FOR EDUCATORS**

- Do not remain alone with a student in the classroom outside of the regular school day without informing the principal.
- Do not remain alone with a student behind a closed door. Keep the door open.
- Do not meet students outside of school for a meal, a soft drink or other social engagements.
- Do not counsel students in nonacademic matters (if an educator believes a student is in some type of trouble, the student should be referred to the “Student at risk” team).
- Do not transport students in your own vehicle or allow students to have access to your vehicle.
- Do not engage students in conversations regarding their romantic or sexual activities.

## **ACTION STEPS FOR EDUCATORS (continued)**

- Do not entertain students in your home.
- Do not engage students in your personal social media accounts, texting, or applications such as Snapchat®, Wickr®, or Slingshot®.
- Do not make sexual comments, comments about students’ bodies, tell sexual jokes, or share sexually oriented material with students and staff.
- Do not touch students and staff in a manner that a reasonable person could interpret as inappropriate.
- Do not send inappropriate text messages or emails to students or staff.

Action Steps Reference: Shoop, Robert J., *Sexual Exploitation in Schools - How to Spot It and Stop It*. (Corwin Press 2004)



## Acknowledgements

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# Questions?