BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation	)	
	)	**ORDER OF**
or Suspension of the Educator's	)	
	)	**PERMANENT REVOCATION**
Certificate of Clayton R. Mishoe	)	
	)	GTK
Certificate # 193444	)	

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SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 8, 2003. On April 10, 2001, the State Board issued an order summarily suspending the South Carolina educator's certificate (certificate) number 193444 issued to Clayton R. Mishoe. On May 3, 2001, the State Department of Education (Department) sent a notice of the possible suspension or revocation of his certificate to Mr. Mishoe by certified mail, return receipt requested, delivery restricted to addressee. Mr. Mishoe received the notice, as evidenced by the signed postal receipt. Through his attorney, Ralph Wilson, Esquire, Mr. Mishoe initially requested a hearing but asked that it be delayed until the criminal charges were resolved. On March 13, 2003, after the resolution of the criminal charges, the Department sent Mr. Mishoe another hearing notice. He did not request a hearing within the period allowed by law, and is in default. After considering the evidence presented by the Department, the State Board voted to permanently revoke Mr. Mishoe's teaching certificate # 193444.

FINDINGS OF FACT

Mr. Mishoe holds a valid South Carolina certificate, and has over one year of teaching experience. He was under contract with the Spartanburg County School District Four (District) for the 2000-2001 school year as a social studies teacher at Riverside Middle School. The District suspended Mr. Mishoe from his teaching position on March 19, 2001, after an investigation into allegations that he was sexually involved the previous school year with an eighth grade student.

On April 5, 2001, Mr. Mishoe was arrested and charged with three counts of second-degree criminal sexual conduct with a minor younger than 14 years old and three counts of committing a lewd act upon a child younger than 16 years old.

On March 11, 2003, Mr. Mishoe pled guilty to assault and battery of a high and aggravated nature. The aggravating circumstances involved taking indecent liberties with a female. Among other conditions of the plea agreement, Mr. Mishoe agreed to surrender his certificate, register as a sex offender, and pay for counseling for the victim.

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 (1990). Just cause includes: "Unprofessional conduct, Immorality, Any conduct involving moral turpitude, Crime against the law of this State or the United States, and Evident unfitness for position for which employed." S.C. Code Ann. § 59-25-160 (1990). The State Board finds that the preponderance of the evidence presented, which is undisputed by Mr. Mishoe, supports its decision to permanently revoke Mr. Mishoe's teaching certificate # 193444, effective April 8, 2003.

South Carolina State Board of Education

By: Greg Killian

Greg Killian
Chair

Columbia, South Carolina
April 8, 2003