

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)
)
of the Educator Certificate of)
)
Matthew T. Hutto)
)
Certificate 226171)
_____)

**ORDER OF PERMANENT
REVOCATION**

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on January 11, 2012. On April 1, 2011, Mr. Hutto was arrested in Dillon County, South Carolina and charged with two counts of Criminal Sexual Conduct with a Minor, second degree. On April 4, 2011, the Chair of the State Board summarily suspended Mr. Hutto's educator certificate. On April 5, 2011, the South Carolina Department of Education (SCDE) sent the summary suspension order and a notice letter to Mr. Hutto regarding the possible suspension or revocation of his South Carolina Educator Certificate. On April 8, 2011, Mr. Hutto received the notice as evidenced by a signed postal receipt bearing his signature. Mr. Hutto did not request a hearing and is in default.

On December 14, 2011, Mr. Hutto plead guilty to one count of Criminal Solicitation of a Minor, two counts of Sexual Battery with a Student, three counts of Disseminating Obscene Material to a Person Under Eighteen, and one count of Assault and Battery, first degree. The court sentenced Mr. Hutto to two and a half years in prison and five years of probation. Mr. Hutto is required to register as a sex offender.

After considering the evidence presented, the State Board voted to permanently revoke Mr. Hutto's educator certificate 226171, effective January 12, 2012.

FINDINGS OF FACT

Mr. Hutto holds a suspended professional South Carolina educator certificate and has four years of teaching experience. He has no prior record of disciplinary action with the State Board. Mr. Hutto had been employed by the Dillon School District Three (District) as the band director at Latta High School (School) and also served as a band director and band teacher at Latta Middle School since 2006. Mr. Hutto resigned from his employment with the District, effective March 29, 2011, following a report that he had inappropriate pictures of female

students on his personal computer. Once the District advised Mr. Hutto of the allegations, he admitted to inappropriate relationships with female students and resigned immediately.

On April 1, 2011, Mr. Hutto was arrested in Dillon County and charged with two counts of Criminal Sexual Conduct With a Minor, second degree, in violation of S.C. Code Ann. § 16-3-653 (Supp. 2011). It was alleged that between the months of March 1, 2010, through April 1, 2011, Mr. Hutto committed the offense of Criminal Sexual Conduct with a sixteen year old student. It was also alleged that Mr. Hutto had several nude photographs of the student on his personal computer.

On April 4, 2011, in accordance with S.C. Code Ann. § 1-23-370(c) (2004), § 59-5-10 (2004) and State Board Rule of Governance BBABA, the Chair of the State Board summarily suspended Mr. Hutto's educator certificate as a result of his arrest. On April 5, 2011, the SCDE sent the summary suspension order and a notice letter to Mr. Hutto regarding the possible suspension or revocation of his South Carolina Educator Certificate. On April 8, 2011, Mr. Hutto received the notice as evidenced by a signed postal receipt bearing his signature. Mr. Hutto did not request a hearing and is in default.

On December 14, 2011, Mr. Hutto plead guilty to one count of Criminal Solicitation of a Minor, two counts of Sexual Battery with a Student, three counts of Disseminating Obscene Material to a Person Under Eighteen, and one count of Assault and Battery, first degree. These felony charges involved Mr. Hutto having sex with three students and disseminating obscene materials to the students. The court sentenced Mr. Hutto to two and a half years in prison and five years of probation. Mr. Hutto is required to register as a sex offender and is prohibited from having any contact with the victims.

After considering the evidence presented, the State Board voted to permanently revoke Mr. Hutto's educator certificate 226171, effective January 11, 2012.

CONCLUSIONS OF LAW

"The State Board may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004). Just cause includes "unprofessional conduct, crime against the law of this State, immorality, and evident unfitness for position for which employed." S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Ann. Regs. 43-58 (Supp. 2011). The State Board finds that Mr. Hutto engaged in unprofessional conduct and immorality,

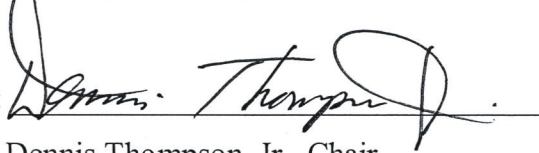
committed crimes against the law of this state, and demonstrated evident unfitness for position for which employed, as a result of his conduct with female students and his guilty plea on December 14, 2011, to one count of Criminal Solicitation of a Minor, two counts of Sexual Battery with a Student, three counts of Disseminating Obscene Material to a Person Under Eighteen Years of Age, and one count of Assault and Battery, first degree.

Pursuant to S.C. Code Ann. § 59-25-280 (A) (2) (Supp. 2011), the State Board shall permanently revoke a certificate without a hearing if the holder of the certificate pleads guilty to a certain offenses related to obscenity, materials harmful to minors and child exploitation, including § 16-15-345 (Disseminating Obscene Material to a Person Under Eighteen Years of Age). Pursuant to S.C. Code Ann. § 59-25-280 (B) (Supp. 2011), a school district may not employ an educator in any capacity whose South Carolina certificate is revoked pursuant to S. C. Code Ann § 59-25-280 (A) (Supp. 2011).

The State Board finds that the evidence presented by the SCDE supports its decision that just cause exists to permanently revoke the educator certificate of Matthew T. Hutto, certificate 226171. The permanent revocation of Mr. Hutto's educator certificate 226171 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order with the reasons stated as "unprofessional conduct, immorality, crimes against the law of this State and demonstrated unfitness for position for which employed."

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: 
Dennis Thompson, Jr., Chair

Columbia, South Carolina
January 11, 2012