

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Voluntary)
Surrender of the Educator)
Certificate of Michael Paul Waters)
Certificate 186459)

**CONSENT ORDER OF
PERMANENT VOLUNTARY
SURRENDER**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 12, 2014. On December 20, 2013, in accordance with S.C. Code Ann. § 1-23-370(c) (2004), § 59-5-10 (2004), 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 Michael Paul Waters, certificate 186459, as a result of allegations that he engaged in an inappropriate relationship of a sexual nature with a female student in Aiken, South Carolina. The SCDE sent notice to Mr. Waters on December 20, 2013. Mr. Waters received the notice on December 23, 2013, as evidenced by a signed postal receipt bearing his signature. On January 2, 2014, Mr. Waters' legal counsel sent a written request to SCDE requesting a hearing. Prior to scheduling the hearing, legal counsel for Mr. Waters informed the SCDE that Mr. Waters desired to seek an alternative resolution to this matter and agreed to enter into a Consent Order of Permanent Voluntary Surrender of his educator certificate 186459, effective March 12, 2014.

Michael
Paul
Waters
186459

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Date

FINDINGS OF FACT

The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2004) S.C. Code Ann. § 59-25-160 (2004).

Mr. Waters holds a professional South Carolina educator certificate and has sixteen year of teaching experience. Mr. Waters has been employed by the Aiken County School District (District) since August 6, 2002. He has been teaching economics and geography at South Aiken High School (School). Mr. Waters is currently on administrative leave from the District.

On December 13, 2013, the District was notified of an allegation of an inappropriate relationship between Mr. Waters and a female student at the School. The District immediately began investigating the matter and placed Mr. Waters on administrative leave on December 13, 2013. The District notified the Aiken Department of Public Safety and an investigation was initiated. On December 18, 2013, Mr. Waters was arrested and charged with five counts of Sexual Battery with a Student pursuant to S. C. Code Ann. §16-3-755 (B) (Cum. Supp. 2013). According to the arrest warrants, the sixteen year old female student and Mr. Waters engaged in a sexual relationship on multiple occasions through the months of August 2013 and December 2013 at the School. On February 10, 2014, Mr. Waters voluntarily resigned from the District.

On December 20, 2013, in accordance with S.C. Code Ann. § 1-23-370(c) (2004), S.C. Code Ann. § 59-5-10 (2004), and State Board Rule of Governance BBABA, the SCDE requested that the Chair of the State Board summarily suspend Mr. Waters' educator certificate 186459, as a result of allegations that he engaged in an inappropriate relationship of a sexual nature with a female student in Aiken, South Carolina. The SCDE sent notice to Mr. Waters on December 20, 2013. Mr. Waters received the notice on December 23, 2013, as evidenced by a signed postal receipt bearing his signature. On January 2, 2014, Mr. Waters' legal counsel sent a written request to SCDE requesting a hearing. Prior to scheduling the hearing, legal counsel for Mr. Waters informed the SCDE that Mr. Waters desired to seek an alternative resolution to this matter and agreed to enter into this Consent Order of Permanent Voluntary Surrender of his educator certificate 186459, effective March 12, 2014.

Mr. Waters agrees to the permanent surrender of his South Carolina educator certificate 186459 subject to the following conditions: (1) his educator certificate will become permanently invalid and permanently revoked immediately upon the approval by the State Board of the Consent Order of Permanent Voluntary Surrender; (2) he has waived his right to a hearing and understands that the terms set forth are not subject to reconsideration, collateral attack or judicial review; and (3) he understands that the permanent surrender of his educator certificate will be reported to all school districts in South Carolina and the NASDTEC Clearinghouse as a permanent voluntary surrender and permanent revocation.

Michael
Paul
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CONCLUSIONS OF LAW

“The South Carolina Board of Education may, for just cause, revoke or suspend the certificate of any person.” S.C. Code Ann. § 59-25-150 (2004); S.C. Code Ann. § 59-25-160 (2004). Just cause includes “unprofessional conduct, immorality, any conduct involving moral turpitude and evident unfitness for position for which employed.” S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Regs 43-58 (Supp. 2011). The State Board finds that the evidence presented by the SCDE demonstrates that Mr. Waters engaged in unprofessional conduct, immorality, conduct involving moral turpitude and demonstrated evident unfitness for position for which employed as a result of his inappropriate relationship of a sexual nature with a female student at the School. The evidence presented supports the State Board’s decision to accept the permanent voluntary surrender of educator certificate 186459, issued under the name of Michael Paul Waters, and to permanently revoke and render permanently invalid Mr. Waters’ educator certificate effective March 12, 2014.

Michael
Paul
Waters
186459

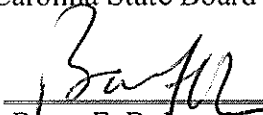
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Now, therefore, it is ordered that the Consent Order of Permanent Voluntary Surrender is accepted and the educator certificate of Michael Paul Waters, certificate 186459, is hereby declared permanently invalid and permanently revoked. The permanent voluntary surrender and revocation of the educator certificate of Michael Paul Waters, certificate 186459 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By:


Barry F. Bolen, Chair

Columbia, South Carolina
March 12, 2014

I, Michael Paul Waters, S.C. Educator Certificate 186459, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of education certificate holders and that I have waived my right to a hearing in this matter. I understand that the terms set forth in this Consent Agreement are not subject to reconsideration, collateral attack or judicial review; and I hereby freely, knowingly and voluntarily permanently surrender my educator certificate to the South Carolina State Board of Education. I hereby acknowledge that this permanent surrender shall have the same effect as a permanent revocation of my certificate. I knowingly forfeit and relinquish all right, title and privilege of holding myself out as and being able to practice as an educator in the public schools in the State of South Carolina. I agree that I will not serve as a volunteer or be employed as an educator, paraprofessional, aide, substitute teacher, band teacher, coach, or in any other position in a public school in the State of South Carolina. I agree to the proposed Consent Order of Permanent Voluntary Surrender, consisting of four pages, and understand that this Order will be presented to the South Carolina State Board of Education on March 12, 2014.

Michael Paul Waters
Michael Paul Waters

2/27/14
Date