

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation or)
Suspension of the Educator Certificate of)
Paul J. Herman,)
Certificate 904646)
_____)

**ORDER OF
SUMMARY SUSPENSION**

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on February 26, 2015. 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 professional certificate of Paul J. Herman, certificate 904646, as a result of his arrest on February 24, 2015, and being charged with Sexual Battery with a Student, 16 or 17 years of age, no aggravated force or coercion, in accordance with S.C. Code Ann. § 16-3-755(B) (Supp. 2014).

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

FINDINGS OF FACT

Mr. Herman holds a South Carolina educator professional certificate with the certification areas of protective services, secondary principal, and secondary supervisor. He has over nine years of teaching experience in South Carolina. Mr. Herman has been employed by the Berkeley County School District (District) since 2006, and is currently on administrative leave. Mr. Herman is employed as an Assistant Principal at Goose Creek High School (School). On February 24, 2015, Mr. Herman was arrested and charged with Sexual Battery with a Student, 16 or 17 years of age, no aggravated force or coercion, in accordance with S.C. Code Ann. § 16-3-755 (B) (Supp. 2014), as a result of allegations that Mr. Herman engaged in inappropriate

communication with a female student at the School beginning in December 2014. It is alleged that the sexual battery occurred on February 20, 2015, at the School. Mr. Herman was arrested on February 24, 2015, after the parents of the alleged victim contacted the Berkeley County Sheriff's Office (BCSO). The alleged victim disclosed to her parents that she and Mr. Herman had been communicating via text message starting in December 2014 and had sexual contact in February 2015 at the School. The District placed Mr. Herman on administrative leave on February 25, 2015, following his arrest and his violation of District Policy GAGA, Staff Conduct.

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

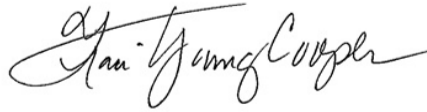
CONCLUSIONS OF LAW

"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 (2004). Just cause includes unprofessional conduct, crime against the law of this state, 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 Ann. Regs. 43-58 (2011). In accordance with S.C. Code Ann. § 1-23-370(c) (2004), "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 (2004) and State Board Rule of Governance BBABA, the Chair of the State Board finds that as a result of Mr. Herman's alleged inappropriate communication and physical contact of a sexual nature with a female student, he has engaged in unprofessional conduct, immorality, conduct involving moral turpitude, crime against the law of this state, and demonstrated evident unfitness for position for which employed. The Chair also finds that there is reason to believe that Mr. Herman may pose a threat to the health, safety and welfare of

students and that emergency action is required. Accordingly, the educator certificate of Paul J. Herman, certificate 904646, 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 Mr. Herman of the summary suspension, as well as, the possible suspension or revocation of his educator professional certificate. The suspension of Mr. Herman's educator professional certificate 904646 shall be immediately reported to the NASDTEC Clearinghouse and all South Carolina school districts.

AND IT IS SO ORDERED.

South Carolina State Board of Education

A handwritten signature in cursive script, reading "Traci Young-Cooper".

By: _____
Traci Young-Cooper, Ed.D., Chair

Columbia, South Carolina
February 26, 2015