

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
or Revocation of the Educator)
)
Certificate of Dan E. Halback, Jr.)
)
Certificate 254874)

**ORDER OF
SUMMARY SUSPENSION**

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on January 20, 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 certificate of Dan E. Halback, Jr., certificate 254874, as a result of his being arrested on January 15, 2015, in Richland County, South Carolina, and being charged with Criminal Sexual Conduct with a Minor, Under 16, 2nd Degree S.C. Code Ann. § 16-3-655 (B)(2) (Supp. 2011) and two counts of Criminal Solicitation of a Minor, S.C. Code Ann. § 16-15-342 (Supp. 2011). The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Halback, 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. Halback's educator 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. Halback of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

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. Halback holds a professional South Carolina educator certificate and has two years of teaching experience. Mr. Halback has been employed by the Lexington Richland

County School District Five (District) as an Elementary Teacher at Harbison West Elementary School (School) since August 13, 2013. The District placed Mr. Halback on administrative, effective January 16, 2015. It is alleged that on or about November 30, 2014, Mr. Halback engaged in sexual battery with a fifteen (15) year old female victim at his apartment after he picked her up at school. On January 6, 2015, and January 11, 2015, Mr. Halback, sent text messages to the female victim for the purposes of enticing her to engage in sexual activity with him.

The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Halback 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. Halback's educator 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. Halback of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

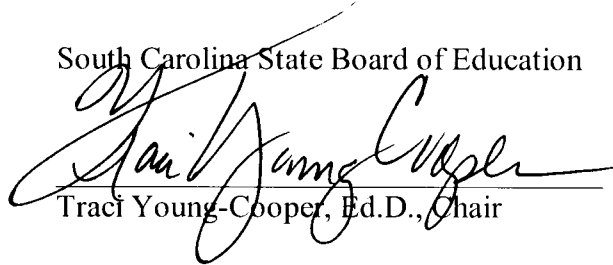
CONCLUSIONS OF LAW

"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, immorality, crime against the law of this state, 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. Halback's inappropriate communication and physical contact of a sexual nature with a 15 year old female, he has engaged in unprofessional conduct, immorality, crime against the law of this state, conduct involving moral turpitude, and demonstrated evident unfitness for position for which employed. The Chair also finds

that there is reason to believe that Mr. Halback may pose a threat to the health, safety and welfare of students and that emergency action is required. Accordingly, the educator certificate of Dan E. Halback, Jr., certificate 254874, 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. Halback of the summary suspension, as well as, the possible suspension or revocation of his educator certificate. The suspension of Mr. Halback's educator certificate 254874 shall be immediately reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse and all South Carolina school districts.

AND IT IS SO ORDERED.

South Carolina State Board of Education

A handwritten signature in black ink, appearing to read "Traci Young-Cooper", is written over a horizontal line. The signature is fluid and cursive.

Traci Young-Cooper, Ed.D., Chair

Columbia, South Carolina
January 20, 2015