

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the	)	
	)	
Disciplinary Action of the	)	
	)	ORDER OF
Educator Certificate of	)	
	)	PUBLIC REPRIMAND
Phillip Carter Shaw	)	
	)	
<u>Certificate 182876</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on November 8, 2016. On September 8, 2016, the South Carolina Department of Education (SCDE) sent notice to Phillip Carter Shaw regarding the possible disciplinary action against his educator certificate, by regular and certified mail, return receipt requested. Mr. Shaw received this notice on September 12, 2016, as evidenced by the mail receipt signed by his agent. He has not requested a hearing in this matter and is now in default. After considering the information presented by the SCDE, the State Board voted to issue a Public Reprimand to Mr. Shaw.

FINDINGS OF FACT

Mr. Shaw holds a valid South Carolina educator certificate and has over eighteen years of educator experience. He has no prior record of disciplinary action with the State Board. Mr. Shaw was employed by the Beaufort County School District (District) as a principal at H. E. McCracken Middle School (School). He was placed on administrative leave on November 8, 2012, after the District learned of allegations concerning the mishandling of school funds. The District terminated Mr. Shaw's employment on July 18, 2013.

Mr. Shaw appealed his termination to the circuit court. The circuit court reversed the District Board's decision to terminate Mr. Shaw's employment. The District Superintendent appealed the circuit court's reversal to the South Carolina Court of Appeals. The South Carolina Court of Appeals found that substantial evidence supported the District's termination of Mr. Shaw on the ground that he willfully violated the District's financial policies.

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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); S.C. Code Ann. § 59-25-160 (2004). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Regs. 43-58 (2011). The State Board finds that the evidence presented supports its conclusion that just cause does not exist to suspend or revoke the educator certificate of Phillip Carter Shaw. However, the evidence presented demonstrates that Mr. Shaw engaged in unprofessional conduct as a result of his violation of District financial policies and that just cause exists for the issuance of a Public Reprimand to Mr. Shaw by the State Board.

Now, therefore, it is ordered that the State Board hereby issues a Public Reprimand to Phillip Carter Shaw, certificate 182876. The Public Reprimand shall be reported to all school districts in South Carolina within thirty days from the date of this order. The Order of Public Reprimand will also be posted on the SCDE's web site and shall be maintained as a public record in the SCDE's Office of General Counsel.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: _____

Michael R. Brennan, Chair

Columbia, South Carolina

November 8, 2016