

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of)
)
In Re:) **CONSENT ORDER OF**
) **PUBLIC REPRIMAND**
Certificate of Deirdre Bowie McCullough)
)
Certificate 146514)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 13, 2018. On June 1, 2017, the South Carolina Department of Education (SCDE) sent notice via regular and certified mail, return receipt requested, to Deirdre Bowie McCullough regarding the possible disciplinary action of her educator certificate 146514. After receiving notice, Ms. McCullough informed the SCDE that she agreed to waive her right to a hearing and enter into this Consent Order of Public Reprimand. After considering the evidence presented, the State Board voted to accept the Consent Order of Public Reprimand.

FINDINGS OF FACT

Ms. McCullough holds a valid South Carolina professional educator certificate that is valid from July 1, 2016, through June 30, 2021, in the areas of English, middle level Language Arts, secondary principal, and secondary supervisor. She has over twenty-one (21) years of experience and has no prior record of disciplinary action with the State Board. Ms. McCullough is currently Principal of Calhoun Falls Charter School (Charter School), a public charter school sponsored by the South Carolina Public Charter School District (SCPCSD). On October 11, 2016, the SCDE received a letter of complaint from a parent alleging Ms. McCullough refused to admit her son to the Charter School for unlawful reasons. As part of the investigation into these allegations, the SCDE conducted interviews of parents and subpoenaed records of multiple students. These educational records confirmed that the student in question was denied admission based upon his attendance records from his previous school as well as his attendance records from two previous enrollment periods at Calhoun Falls Charter School; from August 22, 2013, to September 15, 2014, and August 21, 2015, to August 31, 2015. Additionally,

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Bowie
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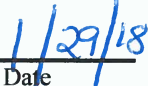
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these records showed other students were denied admission for similar reasons, while other students appeared to be summarily transferred back to their zoned school.

During the course of this investigation, it was discovered that approximately four years ago, Mrs. McCullough and her assistant principal received oral and written directives from the previous Superintendent of the South Carolina Charter School District to review academic, behavioral, and attendance records of students seeking admission or transfer into the Charter School. According to email correspondence produced in this matter dated August 19, 2013, the former Superintendent stated, “I would not let her back in the school. I would use the – ‘we are a choice program and you have a history of non or poor attendance.’” Ms. McCullough contends that based upon the directives and advice she received, she believed the Charter School had some discretion as to whether a student must be admitted.

Furthermore, notice letters issued by the Charter School regarding expulsion or transfer in lieu of expulsion were inadequate. Generally, these letters treated expulsion or transfer as a foregone conclusion, and expulsion hearings as optional. Ms. McCullough contends that when a student displayed conduct that justified the student’s expulsion from school, she called the parent or guardian to inform them that the student was being expelled or transferred to his/her zoned school and that the student could appeal the decision to a Charter School’s Board of Directors. A certified letter providing the same information was also mailed to the student’s parent or guardian. Pursuant to state law, the Charter School must provide notice and request a hearing before the board of directors of the charter school before expulsion. The Charter School’s letter to parents should have stated the student was recommended for expulsion and that the CFCS Board would have a hearing to make the final decision regarding expulsion. However, the SCDE is informed that changes have been made to all notice letters so that parents and students are now fully informed of their due process rights.

The prior failures to ensure due process for students being expelled or transferred in lieu of expulsion, and the denial of admission based upon attendance records constitutes unprofessional conduct, notwithstanding the prior instruction from the former Superintendent of the South Carolina Charter School District.

Accepted: Deirdre Bowie McCullough 146514  Initial Here  Date
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Ms. McCullough has agreed to waive her right to a hearing and to resolve this matter by entering into this Consent Order of Public Reprimand, subject to the following terms: (1) a Public Reprimand shall be issued by the State Board, (2) the Public Reprimand shall be reported to the NASDTEC Clearinghouse and all school districts in South Carolina within thirty days of this order, and (3) the Consent Order of Public Reprimand shall be posted on the SCDE's website and shall be maintained as a public record in the SCDE's Office of General Counsel. After considering the evidence presented, the State Board voted to accept the Consent Order of Public Reprimand with the terms set forth above.

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 (Rev. 2004); The State Board may, for just cause, issue a public reprimand. 24 S.C. Code Ann. Regs. 43-58 (2011). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-2-160 (Rev. 2004). The State Board finds that the evidence presented demonstrates that Ms. McCullough engaged in unprofessional conduct as a result of denying a student admission based on attendance and academic records, as well as denying other students admissions on the same basis. The State Board notes that Ms. McCullough was cooperative and forthcoming during the SCDE's investigation of this matter, and that the Charter School's admissions and expulsion notification practices have been changed to be consistent with the requirements of the Act. The evidence presented supports the State Board's decision to accept the Consent Order of Public Reprimand of Ms. McCullough. The State Board further finds that just cause exists for the issuance of a Public Reprimand to Ms. McCullough by the State Board.

Now, therefore, it is hereby ordered that the Consent Order of Public Reprimand is accepted and issued to Deirdre Bowie McCullough, certificate 146514. The public reprimand of Ms. McCullough, certificate 146514, shall be reported to NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order. This Consent Order of Public Reprimand shall be posted on the SCDE's

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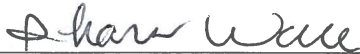

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website and shall be maintained as a public record in the SCDE's Office of General Counsel.

AND IT IS SO ORDERED.

South Carolina State Board of Education



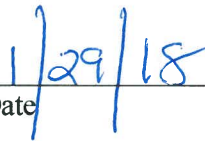
Sharon Wall, Ph.D., Chair
Ed.

Columbia, South Carolina
February 13, 2018

I, Deirdre Bowie McCullough, S.C. Educator Certificate 146514, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator certificate holders and that I have waived my right to a hearing in this matter. I understand the terms set forth in this Consent Order of Public Reprimand are not subject to reconsideration, collateral attack, or judicial review. I have read the Consent Order of Public Reprimand, consisting of three pages, and I freely and voluntarily agree to the terms set forth therein. I understand that this order will be presented as signed to the South Carolina State Board of Education for approval on February 13, 2018. I understand this Order will not become effective until approved by the State Board and, if not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the State Board to adjudicate this matter.



Signature



Date