

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Shane McMichael
Certificate 293019

ORDER OF SUMMARY SUSPENSION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on November 29, 2023. In accordance with S.C. Code Ann. § 1-23-370(c) (2020), § 59-5-10 (2020), 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 Shane McMichael, educator certificate 293019, as a result of his arrest for sexual exploitation of a minor, 2nd degree and two counts of sexual exploitation of a minor, 3rd degree.

The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. McMichael may pose a threat to the health, safety, and welfare of students, who 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. McMichael'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. McMichael of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. McMichael holds a South Carolina educator certificate and has over eleven years of educator experience. At the time of his arrest, Mr. McMichael was a special education teacher for Greenville County School District (District).

On or about November 22, 2023, Mr. McMichael was arrested on the felony charge of sexual exploitation of a minor, 2nd degree, and two counts of sexual exploitation of a minor,

3rd degree. It has been alleged that Mr. McMichael possessed and distributed files of child sexual abuse material.

The SCDE has reason to believe that, due to the serious nature of this allegation of misconduct, Mr. McMichael may pose a threat to the health, safety, and welfare of students who may be under her instruction, and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Mr. McMichael'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. McMichael 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 (2017); S.C. Code Ann. § 59-25-160 (2017). Just cause includes unprofessional conduct, crime against the law of this State, and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2017); 24 S.C. Code Regs. 43-58 (2017). In accordance with S.C. Code Ann. § 1-23-370(c) (2017), "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 (2017) and State Board Rule of Governance BBABA, the Chair of the State Board finds that as a result of the allegations of Mr. McMichael's unprofessional conduct, crime against the law of this State or the United States, and evident unfitness for the position for which employed, due to his arrest for three felony counts connected to the sexual exploitation of a minor, there is reason to believe Mr. McMichael may pose a threat to the health, safety, and welfare of students and emergency action is required.

Accordingly, the educator certificate of Shane McMichael, certificate number 293019, 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. McMichael of the summary suspension, as well as the possible suspension or revocation of her educator certificate.

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AND IT IS SO ORDERED.

South Carolina Board of Education

S/Crystal F. Stapleton, Ed.D.
Crystal F. Stapleton, Ed.D., Chair

Columbia, South Carolina
November 29, 2023