

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)

**CONSENT ORDER OF
PERMANENT VOLUNTARY
SURRENDER**

SUMMARY OF THE CASE

This matter comes before the South Carolina State Board of Education (State Board) on August 9, 2016. On January 20, 2015, the South Carolina Department of Education (SCDE) sent a notice letter of the possible suspension or revocation of South Carolina educator certificate 254874 to Dan E. Halback by certified mail, return receipt requested, based on the grounds of unprofessional conduct. Mr. Halback was arrested on January 15, 2015, for Criminal Sexual Conduct with a Minor, Under 16, 2nd Degree S.C. Code Ann Section 16-3-655 (B)(2) and two counts of Criminal Solicitation of a Minor, S.C. Code Ann. Section 16-15-342 (Supp. 2011). Mr. Halback received the notice letter and requested a hearing, but subsequently agreed to waive the hearing and enter into this Consent Order of Voluntary Surrender. After considering the evidence presented, the State Board voted to accept the Consent Order of Voluntary Surrender, effective on August 9, 2016.

Dan Halback 254874
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FINDINGS OF FACT

Dan Halback was employed as a teacher at Harbison West Elementary School (School) in Lexington Richland County School District 5 (District). With the exception of the claims set forth herein, Mr. Halback has not previously been investigated and/or

subjected to disciplinary action. There is no allegation that Mr. Halback engaged in inappropriate conduct in his official capacity while working at School. Mr. Halback was arrested on January 15, 2015, for Criminal Sexual Conduct with a Minor, Under 16, 2nd Degree S.C. Code Ann Section 16-3-655 (B)(2) and two counts of Criminal Solicitation of a Minor, S.C. Code Ann. Section 16-15-342 (Supp. 2011). The District placed Mr. Halback on administrative leave, effective January 16, 2015. It is alleged that on or about November 30, 2015, Mr. Halback engaged in sexual battery with a fifteen year old female victim, whom attended a school in another district, and whom he had not taught, at his apartment after he picked her up at school. It is further alleged that Mr. Halback sent text messages to the female victim on another date for the purpose of enticing her to engage in sexual activity with him.

After considering the evidence presented, the State Board voted to accept this Consent Order of Voluntary Surrender, effective on August 9, 2016. The surrender of Mr. Halback's educator certificate shall be reported to all school districts in South Carolina and the NASDTEC Clearinghouse within thirty days of this order with the reasons stated as "unprofessional conduct."

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, 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, immorality, crime against the law of this state, and evident unfitness for position for which employed." S.C. Code Ann. § 59-25-160 (2004); 2 S.C. Code Regs 43-58 (2011). The State Board finds that the contentions presented, and Mr. Halback's anticipated guilty plea, demonstrate that Mr.

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Halback engaged in unprofessional conduct, immorality, crime against the law of this state being charged with Criminal Sexual Conduct with a minor. Just cause, as defined by statute, exists to approve the Consent Order of Permanent Voluntary Surrender and permanently revoke Mr. Halback's educator certificate. Although The State Board is not privy to any of the mitigation evidence provided in Mr. Halback's sentencing brief, The State Board does not feel the need to review the same.

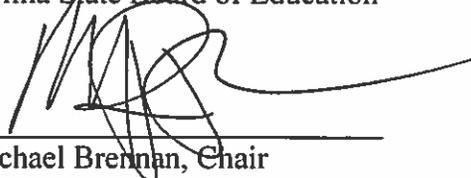
The evidence presented supports the State Board's decision to accept the Consent Order of Permanent Voluntary Surrender of educator certificate 254874, issued under the name of Dan E. Halback, Jr., and to permanently revoke and render permanently invalid Mr. Halback's educator certificate, effective August 9, 2016.

Now, therefore, it is ordered that the Consent Order of Permanent Voluntary Surrender is accepted and the educator certificate of Dan E. Halback, Jr., certificate 254874, is hereby declared permanently invalid and permanently revoked. The permanent voluntary surrender and permanent revocation of the educator certificate of Dan E. Halback, Jr., certificate 254874 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order. As set forth above, the reason stated shall be unprofessional conduct.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By:

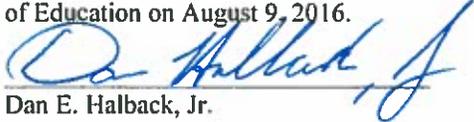

Michael Brennan, Chair

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I, Dan E. Halback, Jr., S.C. Educator Certificate 254874, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of education certificate holders and that I have waived my right to a hearing in this matter. I understand that the terms set forth in this Consent Agreement are not subject to reconsideration, collateral attack or judicial review; and I hereby freely, knowingly and voluntarily permanently surrender my educator certificate to the South Carolina State Board of Education. I hereby acknowledge that this permanent surrender shall have the same effect as a permanent revocation of my certificate. I knowingly forfeit and relinquish all right, title and privilege of holding myself out as and being able to practice as an educator in the public schools in the State of South Carolina. I agree that I will not serve as a volunteer or be employed as an educator, paraprofessional, aide, substitute teacher, band teacher, coach, or in any other position in a public school in the State of South Carolina. I agree to the proposed Consent Order of Permanent Voluntary Surrender, consisting of four pages, and understand that this Order will be presented to the South Carolina State Board of Education on August 9, 2016.


Dan E. Halback, Jr.


Date