

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation or)
Suspension of the Educator Certificate of)
Joel M. Mitchell,)
Certificate 234671)
_____)

**ORDER OF
SUMMARY SUSPENSION**

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on June 16, 2016. 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 Joel M. Mitchell, certificate 234671, as a result of his arrest on May 23, 2016, in Barnwell, South Carolina. Mr. Mitchell was charged with Assault and Battery, 1st degree, a felony offense, pursuant to S.C. Code Ann. §16-03-600(C)(1) (2015). The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Mitchell 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. Mitchell’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. Mitchell of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. Mitchell holds a professional South Carolina educator certificate and has eight years of teaching experience. Mr. Mitchell has been employed by the Williston County School District Twenty-Nine (District) since July 1, 2014, as the principal at Williston Elko High School (School). The District placed Mr. Mitchell on administrative leave on May 17, 2016, after Mr. Mitchell informed the District Superintendent that local law enforcement had contacted him regarding allegations of potential criminal charges. Mr. Mitchell will remain on administrative leave until the date of his resignation, effective June 30, 2016.

Mr. Mitchell was arrested on May 23, 2016, in the county of Barnwell, South Carolina, and charged with one felony count of Assault and Battery, 1st degree pursuant to S.C. Code Ann. §16-03-600(C)(1) (2015). It is alleged that Mr. Mitchell engaged in inappropriate behavior of a sexual nature toward an adult female at the School after school hours. The SCDE has reason to believe that, due to the serious nature of this allegation of misconduct, Mr. Mitchell 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. Mitchell'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. Mitchell 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, any conduct involving moral turpitude, crime against the law of this State, 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 the allegations of Mr. Mitchell's unprofessional conduct, immorality, conduct involving moral turpitude, evident unfitness for position for which employed and his arrest on the felony charge of Assault and Battery, 1st degree, there is reason to believe that Mr. Mitchell may pose a threat to the health, safety and welfare of students and that emergency action is required. Accordingly, the educator certificate of Joel M. Mitchell, certificate 234671, 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. Mitchell of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

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AND IT IS SO ORDERED.

South Carolina State Board of Education

By: _____

Michael R. Brennan, Chair

Columbia, South Carolina

June 16, 2016