

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
Of the Educator Certificate of	)	CONSENT ORDER OF
	)	PUBLIC REPRIMAND
Phillip Nakia Mickles	)	
	)	
<u>Educator Certificate 189567</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 11, 2019. On December 15, 2017, the South Carolina Department of Education (SCDE) sent notice via regular and certified mail, return receipt requested, to Phillip Nakia Mickles concerning the pending action against his educator certificate 189567. After Mr. Mickles received the notice, his attorney contacted the SCDE to request a hearing. Prior to the scheduling of a hearing in this matter, Mr. Mickles agreed to waive his right to a hearing and pursue an alternative resolution in this matter. After considering the evidence presented, the State Board voted to accept the Consent Order of Public Reprimand.

Phillip Nakia Mickles 189567 s/PNM Initial 5/29/19 Date
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FINDINGS OF FACT

Phillip Nakia Mickles holds a valid South Carolina professional educator certificate and has over nineteen years of educator experience. Mr. Mickles had been employed with the Lancaster County School District (District) since 1997. Previously, on June 14, 2016, the State Board accepted a Consent Order of Suspension on Mr. Mickles' Secondary Principal and Secondary Supervisor certification areas of his educator certificate, based upon allegations of engaging in inappropriate relationships with two subordinate employees. The suspension ended on June 13, 2017.

On March 28, 2017, the District placed Mr. Mickles on administrative leave after concerns arose when he displayed inappropriate judgement in dealing with a disciplinary issue and exacerbated a situation with a student. The 13 year old male student claimed that Mr. Mickles grabbed him and pulled him from his chair after a verbal exchange. The student was then instructed to report down the hallway to the main office. The School's Closed Circuit Television (CCTV) captured video of the incident in the hallway. While Mr. Mickles described his actions as "guiding" the student down the hallway, other viewers describe his actions as Mr. Mickles pushing the student.

The District became concerned about Mr. Mickles' judgment during the investigation of the March 28, 2017, incident when they discovered that Mr. Mickles copied the CCTV footage on his cell phone and admitted that he shared the video with family members after a news article was published regarding the incident. When asked to share his opinion on the appropriateness of showing a video that included a student, Mr. Mickles asserted that the footage was presented as being related to his employment and that he did not consider it to be a protected student record.

On August 2, 2017, the District reached an agreement with Mr. Mickles to separate employment with an effective resignation date of May 26, 2017. On August 22, 2017, the District reported the allegations of unprofessional conduct to the SCDE.

Mr. Mickles subsequently began working for the Orangeburg County School District Five as an elementary school P.E. teacher and has also been coaching the high school football team. Mr. Mickles apologizes for his actions and deeply regrets this or any other situation that adversely affects any student.

Mr. Mickles has agreed to waive his right to a hearing and to resolve this disciplinary 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 South Carolina school districts within thirty days from the date 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 (2004); S.C. Code Ann. § 59-25-160 (2016). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (2016); 24 S.C. Code Regs. 43-58 (2011). The State Board finds that the evidence presented by the District would not support a conclusion that just cause exists to suspend or revoke the educator certificate of Phillip Nakia Mickles. However, the evidence that

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would be presented would support a conclusion that Mr. Mickles engaged in unprofessional conduct as a result of his inappropriately addressing a student's conduct and that his actions exacerbated the situation. The State Board further finds that just cause exists for the issuance of a Public Reprimand to Mr. Mickles by the State Board.

Now, therefore, it is ordered that the State Board issue a Public Reprimand to Phillip Nakia Mickles, educator certificate 189567. The Public Reprimand shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order with the grounds listed as "unprofessional conduct." This Consent Order of Public Reprimand shall 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: s/Del-Gratia Jones
Del-Gratia Jones., Chair

Columbia, South Carolina
June 11, 2019

I, Phillip Nakia Mickles, SC Educator Certificate 189567, 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 agree to successfully complete SCDE approved training in classroom management within six months from the date of this order. I understand the terms set forth in this Consent Order of Suspension are not subject to reconsideration, collateral attack or judicial review. I agree to the terms of this Consent Order of Suspension, consisting of four pages, and understand that this Order will be presented to the State Board for approval on June 11, 2019. 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. If approved by the State Board, I give the SCDE permission to use my electronic signature in the style of "/S/ name" for required website publication.

s/Phillip N. Mickles
Phillip Nakia Mickles

5/29/19
Date