

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)
)
of the Educator Certificate of)
)
Sean D. Cassidy)
)
Certificate 230717)
_____)

**CONSENT ORDER OF
PERMANENT VOLUNTARY
SURRENDER**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered the matter of the Consent Order of Permanent Voluntary Surrender of the educator certificate of Sean D. Cassidy, certificate 230717, on February 11, 2015. On February 9, 2010, the Chair of the State Board summarily suspended the educator certificate of Sean D. Cassidy, certificate 230717, as a result of allegations of Mr. Cassidy's improper conduct with a female student while on school grounds. The South Carolina Department of Education (SCDE) sent notice to Mr. Cassidy on February 11, 2010, by certified mail, return receipt requested. On February 12, 2010, Mr. Cassidy received the notice as evidenced by a signed postal receipt bearing his signature. On February 24, 2010, Mr. Cassidy's legal counsel contacted the SCDE and informed the SCDE that Mr. Cassidy requested a hearing following the disposition of the pending criminal charges. After entering a guilty plea pursuant to *North Carolina v. Alford* to the charges of Assault and Battery of a High and Aggravated Nature (ABHAN) and Contributing to the Delinquency of a Minor on July 9, 2014, and receiving a probationary sentence, Mr. Cassidy's legal counsel informed the SCDE that Mr. Cassidy desired to waive his right to a hearing and agreed to voluntarily surrender his South Carolina educator certificate 230717, effective February 11, 2015.

Sean D.
Cassidy
230717

SDC
Initials
2/3/15
Date

FINDINGS OF FACT

The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2004) and S.C. Code Ann. § 59-25-160 (2004).

Mr. Cassidy holds a South Carolina educator certificate and has over seven years of teaching experience. Mr. Cassidy had been employed by the Kershaw County School District (District) as a Women's Basketball Coach at Camden High School (School). On

February 1, 2010, Mr. Cassidy was arrested in Camden, South Carolina, and charged with engaging in criminal conduct while on school property. It was alleged that on or before January 26, 2010, Mr. Cassidy engaged in improper conduct on school property. On February 2, 2010, the Kershaw County School District Board of Trustees (Board) accepted Mr. Cassidy's resignation effective, January 29, 2010. (Prior to his resignation, the District had placed Mr. Cassidy on administrative leave on January 28, 2010).

On February 9, 2010, in accordance with S.C. Code Ann. § 1-23-360(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 Mr. Cassidy's educator certificate 230717, as a result of the foregoing allegations.

On February 9, 2010, the Chair of the State Board summarily suspended the educator certificate of Sean D. Cassidy, certificate 230717. The SCDE sent notice to Mr. Cassidy on February 11, 2010 by certified mail, return receipt requested. On February 12, 2010, Mr. Cassidy received the notice as evidenced by a signed postal receipt bearing his signature. On February 24, 2010, Mr. Cassidy's legal counsel contacted the SCDE and informed the SCDE that Mr. Cassidy requested a hearing following the final disposition of the pending criminal charges.

On July 9, 2014, Mr. Cassidy entered a guilty plea pursuant to *North Carolina v. Alford* to the charges of Assault and Battery of a High and Aggravated Nature (ABHAN) and Contributing to the Delinquency of a Minor in exchange for a probationary sentence.

Mr. Cassidy agrees to the Permanent Voluntary Surrender of his South Carolina educator certificate 230717 subject to the following conditions: (1) his educator certificate will become permanently invalid and permanently revoked immediately upon the approval by the State Board of the Consent Order of Permanent Voluntary Surrender; (2) he has waived his right to a hearing and understands that the terms set forth are not subject to reconsideration, collateral attack or judicial review; and (3) he understands that the permanent surrender of his educator certificate will be reported to all school districts in South Carolina and the NASDTEC Clearinghouse.

Sean D.
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After considering the evidence presented, the State Board voted to accept this Consent Order of Permanent Voluntary Surrender of Mr. Cassidy's educator certificate effective February 11, 2015.

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, any conduct involving moral turpitude 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 just cause, as defined by statute, exists to approve the Consent Order of Permanent Voluntary Surrender and permanently revoke Mr. Cassidy's educator certificate. Mr. Cassidy's guilty plea pursuant to *North Carolina v Alford* to the charges of Assault and Battery of a High and Aggravated Nature (ABHAN) and Contributing to the Delinquency of a Minor, while not admitting guilt, has the same legal effect as a traditional guilty plea, thereby subjecting him to the standards of S.C. Code Ann. § 59-25-160 (2004); 2 S.C. Code Regs. 43-58 (2011).

The evidence presented supports the State Board's decision to accept the Consent Order of Permanent Voluntary Surrender of educator certificate 230717, issued under the name of Sean D. Cassidy, and to permanently revoke and render permanently invalid Mr. Cassidy's educator certificate, effective February 11, 2015.

Now, therefore, it is ordered that the Consent Order of Permanent Voluntary Surrender is accepted and the educator certificate of Sean D. Cassidy, certificate 230717, is hereby declared permanently invalid and permanently revoked. The permanent voluntary surrender and permanent revocation of the educator certificate of Sean D. Cassidy, certificate 230717 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

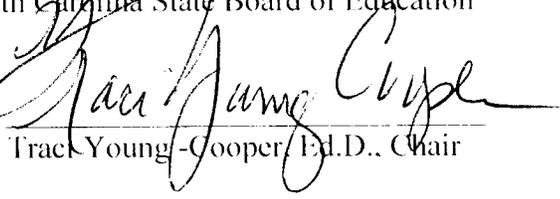
AND IT IS SO ORDERED.

Sean D.
Cassidy
230717

SDC
Initials
2-3-15
Date

South Carolina State Board of Education

By:



Traci Young-Cooper, Ed.D., Chair

Columbia, South Carolina
February 11, 2015

I, Sean D. Cassidy, S.C. Educator Certificate 230717, 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 February 11, 2015.



Sean D. Cassidy

2.3.15

Date