

**BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION**

In the Matter of the Revocation or )  
Suspension of the Educator Certificate of )  
Paul J. Herman, )  
Certificate 904646 )  
\_\_\_\_\_ )

**ORDER OF PERMANENT  
VOLUNTARY SURRENDER**

**SUMMARY OF THE CASE**

The South Carolina State Board of Education (State Board) considered this matter on April 8, 2015. On February 26, 2015, 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 Paul J. Herman, certificate 904646, as a result of his arrest on the charge of on February 24, 2015, and being charged with Sexual Battery with a Student, 16 or 17 years of age, no aggravated force or coercion, in accordance with S.C. Code Ann. § 16-3-755(B) (Supp. 2014). The SCDE sent notice to Mr. Herman on February 26, 2015. Mr. Herman received the notice as evidenced by a signed postal receipt bearing his signature. Mr. Herman, by and through counsel, informed the SCDE that he desires to waive his right to a hearing and enter into a Consent Order of Permanent Voluntary Surrender of his educator certificate 904646, effective April 8, 2015.

Paul J. Herman 904646 
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<u>4-1-15</u> 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. Herman was employed by the Berkeley County School District (District) as an Assistant Principal at Goose Creek High School (School). On February 24, 2015, Mr. Herman was arrested in Moncks Corner, South Carolina, and charged with Sexual Battery with a Student, 16 or 17 years of age, no aggravated force or coercion, in accordance with S.C. Code Ann. § 16-3-755(B) (Supp. 2014). On February 27, 2015, Mr. Herman resigned from his position with the District. On February 26, 2015, in accordance with S.C. Code Ann. § 1-23-370(c) (2004), § 59-5-10 (2004), and State Board Rule of Governance BBABA, the SCDE requested that the Chair of the State Board summarily suspend Mr. Herman's educator certificate, certificate 904646, as a result of his arrest on the charge of Sexual Battery with a Student, 16 or 17 years of age, no aggravated

force or coercion, in accordance with S.C. Code Ann. § 16-3-755(B) (Supp. 2014). On the same day, the SCDE sent notice to Mr. Herman notifying him of the summary suspension, and of his right to a hearing in the suspension or revocation of his educator certificate. On March 4, 2015, Mr. Herman received the notice as evidenced by a signed postal receipt bearing his signature. Mr. Herman, by and through counsel, informed the SCDE that he desires to waive his right to a hearing and enter into a Consent Order of Permanent Voluntary Surrender of his educator certificate 904646, effective April 8, 2015.

Mr. Herman agrees to the permanent surrender of his South Carolina educator certificate 904646 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 as a permanent voluntary surrender and permanent revocation.

#### 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, 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 the evidence presented by the SCDE demonstrates that Mr. Herman engaged in unprofessional conduct, immorality, conduct involving moral turpitude and demonstrated evident unfitness for position for which employed as a result of his inappropriate relationship with a student.

The evidence presented supports the State Board’s decision to accept the permanent voluntary surrender of educator certificate 904646, issued under the name of Paul J. Herman, and to permanently revoke and render permanently invalid Mr. Herman’s educator certificate, effective April 8, 2015.

Now, therefore, it is ordered that the Consent Order of Permanent Voluntary Surrender is accepted and the educator certificate of Paul J. Herman, certificate 904646, is hereby declared permanently invalid and permanently revoked. The permanent voluntary surrender and

Paul J. Herman 904646  Initial Here 4-1-15 Date
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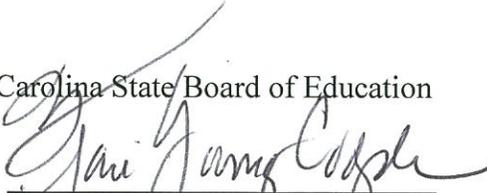
Herman, Paul J., Certificate 904646  
Order of Permanent Voluntary Surrender  
February 26, 2015  
Page 3

revocation of the educator certificate of Paul J. Herman, certificate 904646, 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.**

South Carolina State Board of Education

By:

  
Traci Young Cooper, Ed.D., Chair

Columbia, South Carolina  
April 8, 2015

I, Paul J. Herman, S.C. Educator Certificate 904646, 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 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 three pages, and understand that this Order will be presented to the South Carolina State Board of Education on April 8, 2015.

  
Paul J. Herman

4-1-2015  
Date