BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension or Revocation of the Educator Certificate of Daniel H. Durbin Certificate 218231	**CONSENT ORDER OF VOLUNTARY SURRENDER OF ADMINISTRATIVE CERTIFICATION**

SUMMARY OF THE CASE

DWB September 11

The South Carolina State Board of Education (State Board) considered this matter on ~~August 14~~, 2013. On April 3, 2012, the South Carolina Department of Education (SCDE) sent a notice letter of the possible suspension or revocation of South Carolina educator certificate 218231 to Daniel H. Durbin by certified mail, return receipt requested. Mr. Durbin received the notice letter as evidenced by a signed postal receipt. Counsel for Mr. Durbin requested a hearing, but subsequently agreed to the voluntary surrender of Mr. Durbin's areas of administration certification: Secondary Principal, Secondary Supervisor and Superintendent. After considering the evidence presented, the State Board voted to accept the voluntary surrender of Mr. Durbin's three areas of administrative certification.

Daniel H. Durbin 218231

DHD
Initials

8-27-13
Date

FINDINGS OF FACT

Daniel H. Durbin has over 26 years of teaching and administrative experience. Mr. Durbin obtained a South Carolina certificate in the administration areas of "Secondary Principal," "Secondary Supervisor," and "Superintendent" through reciprocity from another state. Mr. Durbin did not obtain, nor does he currently possess, certification as a teacher in South Carolina. As of the date of this Consent Order, Mr. Durbin's does not possess an educator certificate in any other state.

During the 2011-12 school year, Mr. Durbin was the principal at Beaufort High School in the Beaufort County School District (hereinafter "District") of South Carolina. On February 8, 2012, the District informed Mr. Durbin of an investigation involving allegations that he had inappropriately changed student records, including grades, and gave students unearned course credit at Beaufort High School.

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Mr. Durbin cooperated fully with the investigation. The School District's investigation alleged that 200 grade changes had been made for 33 students with partial or no documentation or justification supporting the changes. All of these grade changes were traced to Mr. Durbin. Mr. Durbin acknowledged that he made all of the alleged changes, but contends that some of these changes were made upon consultation with teachers and staff, and that his actions were based on his desire to address certain students' needs. On February 24, 2012, Mr. Durbin's employment was terminated with the District.

On April 3, 2012, the SCDE sent a notice letter of the possible suspension or revocation of South Carolina educator certificate 218231 to Mr. Durbin by certified mail, return receipt requested. Mr. Durbin received the notice letter as evidenced by a postal receipt bearing his signature. Counsel for Mr. Durbin requested a hearing, but subsequently agreed to the voluntary surrender of Mr. Durbin's areas of administration certification: Secondary Principal, Secondary Supervisor and Superintendent.

Daniel H. Durbin 218231
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Mr. Durbin agrees to the Consent Order of Voluntary Surrender of his South Carolina educator certificate 218231, commencing on ~~August 14~~ September 11 DwB, 2013, subject to the following conditions: (1) Mr. Durbin waives his right to a hearing and understands that the terms set forth are not subject to reconsideration, collateral attack or judicial review; and (2) nothing in this Consent Order shall prevent or preclude Mr. Durbin from applying for and/or obtaining a South Carolina teaching certification through whatever means normally required by the SCDE's Office of Educator Services.

After considering the evidence presented, the State Board voted to accept this Consent Order of Voluntary Surrender of Mr. Durbin's administrative certification in the three areas of Secondary Principal, Secondary Supervisor, and Superintendent certificate, commencing on ~~August 14~~ September 11 DwB, 2013.

CONCLUSIONS OF LAW

"The State 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 (2004); 24 S.C. Code Ann. Regs. 43-58 (2011). Just cause includes

"unprofessional conduct." S.C. Code Ann. §59-25-160(4) (2004). The State Board finds that there is substantial evidence to support its decision to accept the voluntary surrender of Mr. Durbin's administrative certification. This action on certificate 218231 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this Order.

South Carolina State Board of Education

David W. Blackmon

David W. Blackmon, Chair

Columbia, South Carolina
August 14, 2013

I, Daniel H. Durbin, S.C. Educator Certificate 218231, hereby waive my right to a hearing in this matter. With the assistance of legal counsel, I have read and understood the terms set forth in this Consent Order. I agree that the findings of facts and conclusions of law contained in this Consent Order are true. I agree that some grade changes occurred, but specifically deny that those changes and corrections were wrongful or unprofessional; nevertheless I understand that a tribunal could find otherwise and therefore agree with the terms of this agreement as the most expeditious way to conclude this matter. I hereby freely, knowingly and of my own accord, surrender my Secondary Principal, Secondary Supervisor, and Superintendent certificate to the South Carolina State Board of Education. I understand that this Order will be presented to the State Board on ~~August 14~~, 2013. September 11 DwB

Daniel H. Durbin

8-27-13

Date