BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of Revocation of the Educator Certificate of Charles Samuel McHugh, Certificate 226482	)	**ORDER OF REVOCATION**

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on February 14, 2017. On December 1, 2016, the South Carolina Department of Education (SCDE) sent notice to Charles Samuel McHugh, by regular and certified mail, informing him that the State Board would meet to make a determination regarding the possible suspension or revocation of his educator certificate on the grounds of unprofessional conduct. Mr. McHugh received the written notice on December 7, 2016, as evidenced by a signed postal receipt bearing his signature. Mr. McHugh did not request a hearing in this matter and is now in default.

After considering the evidence presented concerning Mr. McHugh's unprofessional conduct, the State Board voted to revoke Mr. McHugh's educator certificate 226482, effective February 14, 2017.

FINDINGS OF FACT

The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2016) and S.C. Code Ann. § 59-25-160 (2016).

On August 15, 2016, the Berkeley County School District (District) notified the SCDE that employee Charles Samuel McHugh had resigned from his employment with the District, effective August 16, 2016, following an investigation into allegations that Mr. McHugh had behaved in an unprofessional manner as a result of inappropriate physical contact with female students. The District accepted Mr. McHugh's resignation in lieu of termination.

On May 22, 2015, Mr. McHugh received a letter of reprimand for his inappropriate comments and behavior in the classroom. This behavior included Mr. McHugh running his fingers through the hair of his female students. In November 2015, Mr. McHugh was again reported to the District by a fellow educator who witnessed Mr. McHugh running his fingers through the hair of his female students while attending the South Carolina Theatre Association Conference. Mr. McHugh admitted her had "twirled" the hair of two female students and

claimed the behavior was a habit that he would work harder to control. The District informed Mr. McHugh that further incidents of this inappropriate behavior would lead to termination.

In April 2016, Mr. McHugh was again placed on administrative leave during an investigation into allegations of an inappropriate relationship with a female student. The student had attended the November 2015 conference with Mr. McHugh. Mr. McHugh had been observed sitting next to the student in an auditorium and running his fingers through her hair. During the school prom, Mr. McHugh entered a phone booth and took photos with the same female student. Mr. McHugh also took the female student home on occasions when requested by the parents because he lived in the same area as the student. This conduct continued after the District warned him to keep a professional distance from his students.

During the investigation, the District learned that the Goose Creek Police Department was investigating Mr. McHugh as a result of allegations that he had engaged in an inappropriate relationship of a sexual nature with another female while she was his student. The former student had graduated and was attending college. Although she acknowledged having a sexual relationship with Mr. McHugh when she was 17 years old and his student, she did not want Mr. McHugh to be prosecuted. No criminal charges were brought by the Solicitor at that time.

The District also became aware that Mr. McHugh demonstrated unprofessional behavior with respect to the privacy of his students and maintaining his own professional records. While Mr. McHugh was on administrative leave, a student inquired about the teacher's status since Mr. McHugh's PowerSchool account was locked. The student then informed District administration that students knew Mr. McHugh's log in information for PowerSchool and email.

After considering the evidence presented concerning Mr. McHugh's unprofessional conduct, the State Board voted to revoke Mr. McHugh's educator certificate 226482, effective January 10, 2017.

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 (2016); S.C. Code Ann. § 59-25-160 (2016). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (2016). The State Board finds that the evidence presented demonstrates that Mr. McHugh engaged in unprofessional conduct as a result of his repeated inappropriate behavior with female students,

his failure to comply with District expectations related to professionalism involving contact with his students, his prior inappropriate relationship with a female student, and his disregard for student privacy by failing to protect sensitive log in information for PowerSchool.

The State Board finds that the evidence presented by the SCDE supports its decision that just cause exists to revoke educator certificate 226482 issued in the name of Charles Samuel McHugh. The revocation of Mr. McHugh's educator certificate 226482 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: _____
Ivan Randolph, Ph.D., Chair

Columbia, South Carolina
February 14, 2017