

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Voluntary)
Surrender of the Educator)
Certificate of David Anthony Mudd)
Certificate 245162)

CONSENT ORDER OF VOLUNTARY SURRENDER

SUMMARY OF THE CASE

JCB Jr. The South Carolina State Board of Education (State Board) considered this matter on ~~February 13~~ ^{April 10}, 2018. On June 29, 2017, the South Carolina Department of Education (SCDE) sent notice via regular and certified mail, return receipt requested, to David Anthony Mudd, concerning a pending action against his educator certificate 245162. After Mr. Mudd received the notice, he denied the allegations contained in the June 29, 2017 letter and contacted the SCDE to request a hearing. Prior to the scheduling of a hearing in this matter, Mr. Mudd consulted legal counsel and, after careful consideration, agreed to waive his right to a hearing and enter into this Consent Order of Voluntary Surrender of his educator certificate. After considering the evidence presented, the State Board has agreed to accept the Consent Order of Voluntary Surrender for David Anthony Mudd, effective ~~February 13~~ ^{April 10}, 2018. JCB Jr (w BC w/ Permission)

David
Anthony
Mudd
245162



Initial
Here

1 Feb 18
Date

FINDINGS OF FACT

David Anthony Mudd holds a professional South Carolina educator certificate and has over thirty-two years of teaching experience. He has no prior record of disciplinary action with the State Board.

Mr. Mudd was employed by the Abbeville County School District Sixty (District) as a science teacher. On February 8, 2017, the District placed Mr. Mudd on administrative leave during an investigation into allegations of inappropriate student conduct in his classroom. The District investigation, as reported to the Board by the District, revealed that two students had concealed themselves behind a science room lab station in order to perform inappropriate acts of a sexual nature during class. Five students were in the class at the time of the incident. Although Mr. Mudd was present in the classroom, he was working at his desk and was unaware of the incident at the time.

April 10 February 13, 2018

JCBjr Page 2
(WBCW/permission)

The District later became aware of the incident after obtaining video evidence taken by one of the students involved in the inappropriate conduct. Although Mr. Mudd strenuously denies the allegations of his unprofessional conduct made against him and is prepared to contest the same, his attorney has informed SCDE that Mr. Mudd no longer wishes to teach in South Carolina and desires to resolve this matter and bring it to a conclusion by voluntarily surrendering his educator certificate.

JCBjr. Mr. Mudd agrees to the surrender of his South Carolina educator certificate 245162 subject to the following conditions: (1) his educator certificate will become invalid immediately upon the approval by the State Board of the Consent Order of Voluntary Surrender; (2) he has waived his right to notice and 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 surrender of his educator certificate will be reported to all school districts in South Carolina and the NASDTEC Clearinghouse.

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." 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, which is strenuously denied by Mr. Mudd, would be sufficient to support its contention that Mr. Mudd engaged in unprofessional conduct as a result of his failure to supervise students in his classroom. The evidence presented supports the State Board's decision to accept the Consent Order of Voluntary Surrender of educator certificate 245162, issued under the name of David Anthony Mudd, effective February 13, 2018.

Now, therefore, it is ordered that the Consent Order of Voluntary Surrender is accepted and the educator certificate of David Anthony Mudd, certificate 245162, is hereby declared invalid. The voluntary surrender of the educator certificate of David Anthony Mudd, certificate 245162 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.

(signature page attached)

David
Anthony
Mudd
245162

Initial
Here

1 Feb 18
Date

JCBjr
(WBCW/permission)

David Anthony Mudd, Certificate 245162

Consent Order of Voluntary Surrender

April 10
JCB Jr.
(WBCW/permission)

February 13, 2018

Page 3

South Carolina State Board of Education

By:

Dr. Sharon Wall
Sharon Wall, Ed.D., Chair

Columbia, South Carolina

February 13, 2018

JCB Jr.

April 10,

I, David Anthony Mudd, S.C. Educator Certificate 245162, 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 of Voluntary Surrender are not subject to reconsideration, collateral attack or judicial review; and I hereby freely, knowingly and voluntarily surrender my educator certificate to the South Carolina State Board of Education. I hereby acknowledge that this voluntary surrender shall have the same effect as a 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 Voluntary Surrender, consisting of three pages, and understand that this Order will be presented to the South Carolina State Board of Education on February 13, 2018. 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.

David Anthony Mudd

David Anthony Mudd

1 Feb 2018
Date