

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)
)
and Voluntary Surrender of the)
)
Educator Certificate of)
)
Gregory E. Johnson)
)
Certificate 225125)
_____)

**CONSENT ORDER OF
PERMANENT
VOLUNTARY SURRENDER
AND REVOCATION**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 18, 2011. On June 17, 2009, the Chair of the State Board summarily suspended the educator certificate of Gregory E. Johnson, certificate 225125, as a result of his arrest in the City of Myrtle Beach, Horry County, South Carolina, on April 22, 2009. Mr. Johnson was arrested and charged with Assault with Intent to Commit Criminal Sexual Conduct, a Class C. felony. On June 17, 2009, the South Carolina Department of Education (SCDE) sent notice to Mr. Johnson of the summary suspension and his right to a hearing by regular and certified mail, return receipt requested. On July 1, 2009, Mr. Johnson's attorney notified the SCDE that Mr. Johnson was requesting a private hearing in this matter pending the resolution of the criminal charges. On May 11, 2011, Mr. Johnson's attorney informed the SCDE that Mr. Johnson had agreed to permanently surrender his educator certificate and agreed to waive his right to a hearing. Mr. Johnson has agreed to the terms and conditions of the Consent Order of Permanent Voluntary Surrender and Revocation as stated herein.

Gregory E.
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FINDINGS OF FACT

Mr. Johnson holds a professional educator certificate and has over two years of teaching experience. Mr. Johnson was employed by the Horry County School District One (District) for the 2008-2009 school year as a physical education teacher at Socastee High School in Myrtle Beach, South Carolina, until his resignation from employment effective June 9, 2009, following an investigation by the District into allegations of Mr. Johnson's unprofessional conduct with a female student and his arrest for Assault with

Intent to Commit Criminal Sexual Conduct. On April 22, 2009, Mr. Johnson was arrested by the City of Myrtle Beach, Horry County, South Carolina, and charged with Assault with Intent to Commit Criminal Sexual Conduct, a Class C felony and a violent crime pursuant to S.C. Code Ann. §§ 16-1-60; 16-1-90(C) and 16-3-656 (Supp. 2010). It was alleged that Mr. Johnson engaged in inappropriate physical contact with a female student at school by touching her on her stomach under her shirt, playing with her belly ring, putting his fingers down the front of her pants, grabbing her hips and touching her buttocks.

On June 17, 2009, in accordance with S.C. Code Ann. § 1-23-370(c) (2005) and State Board Rule of Governance BBABA, the SCDE requested that that the Chair of the State Board summarily suspend Mr. Johnson's educator certificate as a result of his arrest on April 22, 2009. On June 17, 2009, the Chair of the State Board summarily suspended Mr. Johnson's educator certificate, finding that there was reason to believe that Mr. Johnson may pose a threat to the health, safety, and welfare of students that may be under his instruction and that emergency action was required.

On June 17, 2009, the SCDE sent notice to Mr. Johnson of the summary suspension and his right to a hearing by regular and certified mail, return receipt requested. On July 1, 2009, Mr. Johnson's attorney notified the SCDE that Mr. Johnson was requesting a private hearing in this matter. On May 11, 2011, Mr. Johnson's attorney informed the SCDE that Mr. Johnson had agreed to permanently surrender his educator certificate and agreed to waive his right to a hearing. Mr. Johnson has agreed to the terms and conditions of the Consent Order of Permanent Voluntary Surrender and Revocation as stated herein.

On May 27, 2010, Mr. Johnson entered a guilty plea to one count of Assault and Battery of a High and Aggravated Nature. The Court sentenced Mr. Johnson to a term of ten years, reduced to five years of probation subject to the South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation. The Court ordered that Mr. Johnson be placed on the Central Registry of Child Abuse and Neglect

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pursuant to S.C. Code Ann. § 17-25-135 (Supp. 2010) and that he shall have no participation in organizations with children under eighteen years of age.

Mr. Johnson voluntarily agrees to the permanent surrender of his educator certificate 225125 and agrees to the following conditions: (1) his educator certificate will become permanently invalid and revoked immediately upon the approval by the State Board of the permanent voluntary surrender; (2) he may never apply for a South Carolina educator certificate; (3) he has waived his right to a hearing and understands that the terms set forth herein are not subject to reconsideration, collateral attack or judicial review; and (4) he agrees that his surrender will be reported to all school districts in South Carolina and the NASDTEC Clearinghouse as a permanent voluntary surrender and revocation with the reasons stated as "unprofessional conduct, crime against the law of this State or the United States, immorality, and evident unfitness for position for which employed."

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004); 24 S.C. Code Regs. 43-58 (Supp. 2010). Just cause includes: "Unprofessional conduct, crime against the law of this State or the United States, immorality, and evident unfitness for position for which employed." S.C. Code Ann. §59-25-160 (2004); 24 S.C. Code Regs. 43-58 (Supp. 2010). The State Board finds that the evidence presented, which is undisputed by Mr. Johnson, supports the State Board's decision that just cause exists to accept the permanent voluntary surrender of educator certificate 225125, issued under the name of Gregory E. Johnson, and to permanently revoke this educator certificate effective June 9, 2011. As a condition of this consent order, Mr. Johnson agrees that he shall never apply for an educator certificate in the state of South Carolina. Mr. Johnson has waived his right to a hearing and understands that the terms set forth herein are not subject to reconsideration, collateral attack or judicial review. The permanent voluntary surrender and permanent revocation of Mr. Johnson' educator certificate 225125 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within

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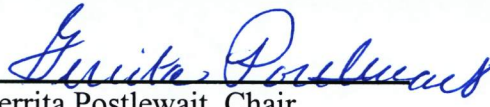
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thirty days from the date of this order with the reasons stated as "unprofessional conduct, crime against the law of this State or the United States, immorality, and evident unfitness for position for which employed."

AND IT IS SO ORDERED.

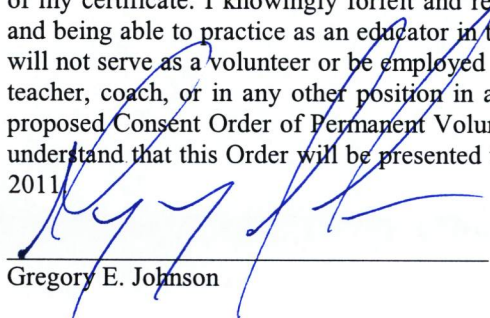
South Carolina State Board of Education

By: 
Gerrita Postlewait, Chair

Columbia, South Carolina

August 18, 2011

I, Gregory E. Johnson, S.C. Educator Certificate 225125, 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; I hereby freely, knowingly and voluntarily surrender my educator certificate to the South Carolina State Board of Education. I hereby acknowledge that this 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 and Revocation, consisting of four pages, and understand that this Order will be presented to the South Carolina State Board of Education on August 18, 2011.


Gregory E. Johnson

Date 7/27/11