

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation or)
Suspension of the Educator Certificate of)
Andrew Jonathan Gerhardt,)
Certificate 255261)
_____)

**ORDER OF
SUMMARY SUSPENSION**

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on August 8, 2013. 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 Andrew Jonathan Gerhardt, certificate 255261, as a result of his being arrested on July 30, 2013, in Dorchester County, South Carolina, and being charged with the felony offense of Disseminating obscene material to a person under the age of eighteen, S.C. Code Ann § 16-3-755(D) (Supp. 2012). The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Gerhardt may pose a threat to the health, safety and welfare of students that may be under his instruction and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Mr. Gerhardt's educator certificate shall be summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Mr. Gerhardt of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. Gerhardt holds a professional South Carolina educator certificate and has one year of teaching experience. Mr. Gerhardt was employed by the Dorchester County School District Two (District) as the Physical Education teacher and basketball coach at Ashley Ridge High School (School). On July 30, 2013, the District placed Mr. Gerhardt on administrative leave during an investigation into allegations of Mr. Gerhardt's inappropriate conduct with a student. On August 1, 2013, the District notified Mr. Gerhardt that the District recommended that he be immediately dismissed from his employment with the District, effective August 16, 2013.

Mr. Gerhardt was arrested on July 30, 2013, in Dorchester County, South Carolina, and charged with the felony offense of Disseminating obscene material to a person under the age of eighteen, S.C. Code Ann §16-3-755(D)(Supp.2012). It is alleged that Mr. Gerhardt engaged in text messaging and texted a photograph of his penis to a sixteen year old female student at the School. It is further alleged that Mr. Gerhardt had direct supervisory authority over the student at the time of the incident. The SCDE has

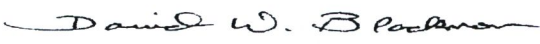
reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Gerhardt may pose a threat to the health, safety and welfare of students that may be under his instruction and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Mr. Gerhardt's educator certificate shall be summarily suspended until a due process hearing is held and/or this matter is otherwise resolved.

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). Just cause includes unprofessional conduct, immorality, any conduct involving moral turpitude, crime against the law of this State, and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Ann. Regs. 43-58 (2011). In accordance with S.C. Code Ann. § 1-23-370(c) (2004), "If the agency finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action." Pursuant to S.C. Code Ann § 59-5-10 (2004) and State Board Rule of Governance BBABA, the Chair of the State Board finds that as a result of the allegations of Mr. Gerhardt's unprofessional conduct, immorality, conduct involving moral turpitude, evident unfitness for position for which employed and his arrest for the felony offense of Disseminating obscene material to a person under the age of eighteen, S.C. Code Ann § 16-3-755(D) (Supp. 2012), there is reason to believe that Mr. Gerhardt may pose a threat to the health, safety and welfare of students and that emergency action is required. Accordingly, the educator certificate of Andrew Jonathan Gerhardt, certificate 255261, is summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Mr. Gerhardt of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: 
David W. Blackmon, Chair