

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation	)	
	)	
of the Educator Certificate of	)	ORDER OF PERMANENT
	)	REVOCATION
Andrew Jonathan Gerhardt	)	
	)	
Certificate 255261	)	
_____	)	

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on October 9, 2013. In accordance with S.C. Code Ann. § 1-23-370(c) (2005), and State Board Rule of Governance BBABA, the Chair of the State Board summarily suspended the educator certificate of Andrew Jonathan Gerhardt, certificate 255261, on August 8, 2013, following his arrest on July 30, 2013, and being charged with the felony offense of Disseminating Obscene Material to a Person under the Age of Eighteen pursuant to S.C. Code Ann. § 16-3-755 (D) (Supp.2012).

On August 8, 2013, the South Carolina Department of Education (SCDE) sent a notice letter to Mr. Gerhardt informing him of the summary suspension and that the State Board would meet to make a determination regarding the possible suspension or revocation of his South Carolina Educator Certificate. The letter also informed Mr. Gerhardt of his right to a hearing in this matter. On August 20, 2013, Mr. Gerhardt received the notice as evidenced by a postal receipt bearing his signature. Mr. Gerhardt did not request a hearing and is in default.

After considering the evidence presented, the State Board voted to permanently revoke Mr. Gerhardt's educator certificate 255261, effective October 9, 2013.

FINDINGS OF FACT

The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2004).

Mr. Gerhardt holds a professional South Carolina educator certificate and has one year of teaching experience. During the 2012-2013 school year, Mr. Gerhardt was employed by the Dorchester County School District Two (District) under an Induction Contract as the physical education teacher and junior varsity women's 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 July 30, 2013, the Dorchester County Sheriff's Department arrested Mr. Gerhardt and charged him with the felony offense of Disseminating Obscene Material to a Person under the Age of Eighteen pursuant to S.C. Code Ann. § 16-3-755 (D) (Supp. 2012). Mr. Gerhardt admitted to law enforcement that he had engaged in text messaging with a sixteen year old female and that he had sent a picture of his penis to her in July 2013. Mr. Gerhardt had been the student's junior varsity basketball coach at the School. On August 1, 2013, the District notified Mr. Gerhardt in writing that the District was recommending that he be immediately dismissed from employment effective August 16, 2013.

In accordance with S.C. Code Ann. § 1-23-370(c) (2005), and State Board Rule of Governance BBABA, the SCDE requested that the Chair of the State Board summarily suspend Mr. Gerhardt's educator certificate 255261, following his arrest on July 30, 2013, and being charged with the felony offense of Disseminating Obscene Material to a Person under the Age of Eighteen pursuant to S.C. Code Ann. § 16-3-755 (D) (Supp.2012). On August 8, 2013, the Chair of the State Board summarily suspended Mr. Gerhardt's educator certificate.

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CONCLUSIONS OF LAW

"The State Board may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004). Just cause includes, *inter alia*, "unprofessional conduct, immorality, conduct involving moral turpitude, and evident unfitness for position for which employed." S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Ann. Regs. 43-58 (Supp. 2011). The State Board finds that Mr. Gerhardt engaged in unprofessional conduct, immorality,

conduct involving moral turpitude, and demonstrated evident unfitness for position for which employed, as a result of his own admission that he engaged in text messaging with a sixteen year old female student and that he sent her a picture of his penis in July 2013.

The State Board finds that the evidence presented by the SCDE supports its decision that just cause exists to permanently revoke the educator certificate of Jonathan Andrew Gerhardt, certificate 255261. The permanent revocation of Mr. Gerhardt's educator certificate 255261 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: David W. Blackmon

David W. Blackmon, Chair

Columbia, South Carolina

October 9, 2013