

**BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION**

In the Matter of the Revocation or )  
Suspension of the Educator Certificate of )  
Gerald Baxter, Jr., )  
Certificate 162439 )  
\_\_\_\_\_ )

**ORDER OF  
SUMMARY SUSPENSION**

**SUMMARY OF THE CASE**

The Chair of the South Carolina State Board of Education (State Board) considered this matter on November 14, 2014. 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 Gerald Baxter, Jr., certificate 162439, as a result of his being arrested on or about November 12, 2014, in Horry County, South Carolina, and being charged with Criminal Sexual Conduct with a minor, first degree. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Mr. Baxter'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. Baxter of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

**FINDINGS OF FACT**

Mr. Baxter holds a professional South Carolina educator certificate and has over twenty eight years of teaching experience. Mr. Baxter is employed by the Horry County School District (District) as a guidance counselor at St. James High School and Mr. Baxter is currently on administrative leave pending District action.

Mr. Baxter was arrested on or about November 12, 2014, in Horry County, South Carolina, and being charged with Criminal Sexual Conduct with a minor, first degree, S.C. Code Ann. § 16-3-655(A)(1) (Supp. 2012). It is alleged that Mr. Baxter committed this crime on October 24, 2014 with a minor child under the age of eleven. The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Baxter 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. Baxter'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. Baxter’s unprofessional conduct, immorality, conduct involving moral turpitude, evident unfitness for position for which employed and his arrest for Criminal Sexual Conduct with a minor, first degree, S.C. Code Ann. § 16-3-655(A)(1) (Supp. 2012), there is reason to believe that Mr. Baxter may pose a threat to the health, safety and welfare of students and that emergency action is required. Accordingly, the educator certificate of Gerald Baxter, Jr., certificate 162439, 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. Baxter of the summary suspension, as well as the possible suspension or revocation of his educator certificate. The suspension of Mr. Baxter’s educator certificate 162439 shall be immediately reported to the NASDTEC Clearinghouse and all South Carolina school districts.

**AND IT IS SO ORDERED.**

South Carolina State Board of Education

By: \_\_\_\_\_

Barry F. Bolen, Chair