

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation or)
Suspension of the Educator Certificate of)
Harold J. Tabor,)
Certificate 202923)
_____)

**ORDER OF
SUMMARY SUSPENSION**

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on December 13, 2016. 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 Harold J. Tabor, certificate 202923, as a result of his arrest on December 3, 2016, in Charleston, South Carolina. Mr. Tabor was charged with Exposure of Private Parts in a Lewd and Lascivious Manner S.C. Code Ann. § 16-15-365 (2015). The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Tabor 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. Tabor'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. Tabor of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. Tabor holds a professional South Carolina educator certificate and has thirty years of teaching experience. Mr. Tabor has been employed by the Charleston County School District (District) since 2013. He was employed as a special education teacher at Memminger Elementary School (School) for the 2016-2017 school year. On December 5, 2016, the District placed Mr. Tabor on administrative leave.

Mr. Tabor was arrested on December 3, 2016, in the city of Charleston, South Carolina, and charged with Exposure of Private Parts in a Lewd and Lascivious Manner S.C. Code Ann. § 16-15-365 (2015). It is alleged Mr. Tabor repeatedly exposed his genitals to a student while masturbating in the bathroom of the Education Center at the College of Charleston on Sunday, November 20, 2016. The SCDE has reason to believe that, due to the serious nature of this allegation of misconduct, Mr. Tabor 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. Tabor'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. Tabor of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

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 Mr. Tabor engaging in unprofessional conduct, immorality, conduct involving moral turpitude, and demonstrated evident unfitness for position for which employed by exposing his genitals to a student and masturbating in the presence of the student in a bathroom located in the Education Center at the College of Charleston on Sunday, November 20, 2016 and his arrest on the misdemeanor charge of Exposure of Private Parts in a Lewd and Lascivious Manner S.C. Code Ann. § 16-15-365 (2015), there is reason to believe that Mr. Tabor may pose a threat to the health, safety and welfare of students and that emergency action is required. Accordingly, the educator certificate of Harold J. Tabor, certificate 202923, 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. Tabor 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: _____

Michael R. Brennan, Chair

Columbia, South Carolina
December 13, 2016