

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Timothy Gano Smith
Certificate 260709

**Smith Timothy Gana Order of Summary
Suspension**

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on December 15, 2022. In accordance with S.C. Code Ann. § 1-23-370(c) (2020), § 59-5-10 (2020), 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 Timothy Gano Smith, educator certificate 260709, as a result of his arrest for sexual exploitation of a minor, 2nd degree, S.C. Code Ann. § 16-15-405(A) (2020).

The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Smith may pose a threat to the health, safety, and welfare of students, who 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. Smith'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. Smith of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. Smith holds a South Carolina educator certificate and has over twenty-one years of educator experience. Mr. Smith resigned from Fort Mill Schools on October 19, 2022, and was not working as an educator at the time of his arrest.

On or about December 12, 2022, Mr. Smith was arrested for sexual exploitation of a minor, 2nd degree. The allegation states that on July 19, 2022, Mr. Smith violated South Carolina law by distributing a digital file which contained a visual representation of a minor appearing in

a state of a sexually explicit nudity. The file was traced to an online account registered to Mr. Smith and accessed from his residence.

The SCDE has reason to believe that, due to the serious nature of this allegation of misconduct, Mr. Smith may pose a threat to the health, safety, and welfare of students who may be under her instruction, and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Mr. Smith'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. Smith 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 (2017); S.C. Code Ann. § 59-25-160 (2017). Just cause includes unprofessional conduct, crime against the law of this State, and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2017); 24 S.C. Code Regs. 43-58 (2017). In accordance with S.C. Code Ann. § 1-23-370(c) (2017), "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 (2017) and State Board Rule of Governance BBABA, the Chair of the State Board finds that as a result of the allegations of Mr. Smith's unprofessional conduct, crime against the law of this State or the United States, and evident unfitness for the position for which employed, due to his arrest for sexual exploitation of a minor, there is reason to believe Mr. Smith may pose a threat to the health, safety, and welfare of students and emergency action is required.

Accordingly, the educator certificate of Timothy Gano Smith, certificate number 280709 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. Smith of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

Timothy Gano Smith, Certificate 280709
ORDER OF SUMMARY SUSPENSION
December 15, 2022
Page 3

AND IT IS SO ORDERED.

South Carolina Board of Education

s/ Crystal F. Stapleton, Ed.D.
Crystal F. Stapleton, Ed.D., Chair

Columbia, South Carolina
December 15, 2022