

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Gabriel Hernandez
Certificate 295595

ORDER OF REVOCATION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on August 4, 2026. On May 19, 2026, the South Carolina Department of Education (SCDE) sent Gabriel Hernandez a notice via regular and certified mail of his right to a hearing regarding the possible suspension or revocation of his South Carolina educator certificate. Mr. Hernandez received the notice on June 1, 2026, as evidenced by a signed postal receipt. Under the South Carolina Rules of Civil Procedure 5(b), Gabriel Hernandez has been given fair notice of constitutional due process. Mr. Hernandez has not contacted the SCDE to request a hearing and is now in default.

After considering the evidence presented, the State Board voted to revoke Mr. Hernandez's educator certificate 295595, effective August 4, 2026.

FINDINGS OF FACT

Mr. Hernandez holds a summarily suspended South Carolina educator certificate and has over four years of teaching experience. On March 15, 2023, while Mr. Hernandez was in the cafeteria, a student began banging his head on the table. Rather than intervening to prevent the self-harming behavior, Mr. Hernandez ignored the student. Mr. Hernandez asserted the paraprofessional was "babying" the student when they intervened, calming the student. The paraprofessional subsequently complained to her behavioral lead at the School about Mr. Hernandez's statement.

On March 16, 2023, the same student was again being uncooperative and Mr.

Hernandez became agitated; such response generally escalating such behavior. Upon being guided into the classroom, the student began banging their head on a bookshelf. In this instance, rather than redirecting the behavior, Mr. Hernandez dragged the struggling student by the wrists across the room, and they both ended up on the floor where Mr. Hernandez held the student's legs between his own attempting to subdue the student. Ultimately, with the student on the floor, Mr. Hernandez pinned the student's knees against their chest, rendering them unable to move for 30-45 seconds until a paraprofessional pulled him away.

On April 14, 2023, the Horry County Police Department arrested Mr. Hernandez on a charge of cruelty to children. The matter was adjudicated and no longer appears in the Public Index. After considering the evidence presented, the State Board voted to revoke Mr. Hernandez's educator certificate 295595, effective August 4, 2026.

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 (2020). Just cause includes "incompetence; willful neglect of duty; willful violation of the rules and regulations of the State Board of Education; unprofessional conduct; drunkenness; cruelty; crime against the law of this State or the United States; immorality; any conduct involving moral turpitude; dishonesty; evident unfitness for position for which employed; or sale or possession of narcotics." S.C. Code Ann. § 59-25-160 (2025); S.C. Code Ann. Regs. 43-58 (2021).

The State Board finds that the evidence presented by the SCDE supports its decision that just cause exists to revoke education certificate 295595, issued in the name of Mr. Hernandez, effective August 4, 2026. Mr. Hernandez has the right to reapply for certification after three (3) years. Mr. Hernandez shall, pursuant to State Board Rule BBCDB, be subject to a character and fitness review before the State Board with employment information during the period of certificate surrender; community service records; letters of support from a current or prospective school district employer, if applicable; letters of support from community leaders; and SLED and FBI background checks. Mr. Hernandez shall also pay all applicable fees for certification, if any. The revocation of

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Gabriel Hernandez's educator certificate 295595 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty (30) days from the date of this order.

AND IT IS SO ORDERED.

South Carolina Board of Education

S/David M. Mathis
David M. Mathis, Chair

Columbia, South Carolina
August 4, 2026