

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the	)	
	)	
Educator Certificate of	)	CONSENT ORDER OF
	)	SUSPENSION
Alexander G. Gabriel	)	
	)	
<u>Educator Certificate 266158</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 9, 2019. On February 27, 2019, the South Carolina Department of Education (SCDE) sent notice via regular and certified mail, return receipt requested, to Alexander G. Gabriel concerning the pending action against his educator certificate 266158. After Mr. Gabriel received the notice, his legal counsel contacted the SCDE and agreed Mr. Gabriel would waive his right to a hearing and would enter into this Consent Order of Suspension of his educator certificate 266158 for a period of six months. After considering the evidence presented, the State Board voted to accept the Consent Order of Suspension of Mr. Gabriel's educator certificate for a period of six months, commencing on April 9, 2019, and ending on October 8, 2019. Mr. Gabriel has also agreed to an anger management course approved by the SCDE's Office of General Counsel (OGC).

Alexander G. Gabriel 266158

<u>s/AGG</u> Initial

<u>03/26/19</u> Date

FINDINGS OF FACT

Mr. Gabriel holds a valid South Carolina professional educator certificate. He has over five years of educator experience and has no prior record of disciplinary action with the State Board. Mr. Gabriel was employed by Orangeburg County Consolidated School District Three (District) as a teacher at Lake Marion High School and Technology Center (School).

On November 12, 2018, a ninth grade student at the School disclosed he was engaged in a conversation with Mr. Gabriel, who then pulled him into the boys' restroom and slammed him to the floor. Mr. Gabriel denied that he "choke-slammed" the student, but admitted he that he did push the student. In the video, Mr. Gabriel placed items he was carrying on the ground, escorted the student into the bathroom, and grabbed the student before forcibly pushing him into a wall and then to the ground. In a statement, the student stated he jokingly told Mr. Gabriel, "you know I don't like you," before Mr. Gabriel

assaulted him. In a subsequent statement, the student recalled Mr. Gabriel told him, “not to ever talk s*** to him again,” while they were in the restroom. After the student reported the incident to School administrators, Mr. Gabriel spoke to the student in the hallway regarding the incident. In a letter dated November 27, 2016, Dr. Jesulon Gibbs-Brown, Superintendent of the District, informed Mr. Gabriel that her investigation into the matter was completed. On December 11, 2018, the District Board of Trustees voted to accept Mr. Gabriel’s resignation and to report his unprofessional conduct to the SCDE.

In a written statement Mr. Gabriel provided to the SCDE on February 18, 2019, Mr. Gabriel wrote, “I regret my actions and acknowledge I exercised poor judgment. However, I never intended to bring harm to the student.” In his statement, Mr. Gabriel attributed his reaction in the present case to an unrelated incident the preceding Friday where he was struck in the face by a student. Mr. Gabriel averred the instance of alleged assault upon him was witnessed by a large number of students and that it caused him to feel, “defenseless, humiliated and emotionally disturbed.”

Mr. Gabriel has agreed to waive his right to a hearing and to resolve this disciplinary matter by entering into an alternate resolution to the action against his educator certificate. Mr. Gabriel agreed that his educator’s certificate will be suspended for a period of six months. Further, Mr. Gabriel agreed to complete an anger management course prescribed by the OGC. After considering the evidence presented, the State Board voted to accept the Consent Order of Suspension with the terms set forth above.

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. S.C. Code Ann. § 59-25-160 (2017); 24 S.C. Code Regs. 43-58 (2017). The State Board finds that the evidence presented demonstrates that Mr. Gabriel engaged in unprofessional conduct by physically assaulting a student. The State Board further finds that just cause exists for the suspension of Mr. Gabriel’s educator certificate for a period of six months, commencing on April 9, 2019, and ending on October 8, 2019.

Alexander
G. Gabriel
266158

s/AGG
Initial

03/26/19
Date

Now, therefore, it is hereby ordered that the educator certificate of Alexander G. Gabriel, certificate 266158, is suspended for a period of six months, commencing on April 9, 2019, and ending on October 8, 2019. It is further ordered that Mr. Gabriel shall complete an anger management course approved by the SCDE.

If Mr. Gabriel wishes to have his certificate reinstated at the conclusion of the period of suspension, he shall make a written request to the SCDE's Office of Educator Services. Mr. Gabriel shall be responsible for meeting all certification requirements in effect at the time he requests reinstatement and for the payment of any applicable reinstatement fees. Mr. Gabriel must also submit documentation demonstrating his completion of an SCDE-approved anger management course prior to his readmission. The suspension of Mr. Gabriel's educator certificate 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: s/Del-Gratia Jones
Del-Gratia Jones, Chair

Columbia, South Carolina
April 9, 2019

Alexander
G. Gabriel
266158

s/AGG
Initial

03/26/19
Date

(signature page attached)

Alexander G. Gabriel, Certificate 266158
Consent Order of Suspension
April 9, 2019
Page 4

I, Alexander G. Gabriel, SC Educator Certificate 266158, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator certificate holders and that I have waived my right to a hearing in this matter. I understand the terms set forth in this Consent Order of Suspension are not subject to reconsideration, collateral attack or judicial review. I agree to the terms of this Consent Order of Suspension, consisting of four pages, and understand that this Order will be presented to the State Board for approval on April 9, 2019. I also agree to not work in any capacity at a South Carolina public school during the term of my suspension. I understand this Consent Order will not become effective until approved by the State Board and, if not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the State Board to adjudicate this matter. If approved by the State Board, I give the SCDE permission to use my electronic signature in the style of “/S/ name” for required website publication.

Alexander G. Gabriel
Alexander G. Gabriel

03/26/19
Date