

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation or)
Suspension of the Educator Certificate of)
Richard O. Gardner III,)
Certificate 178799)
_____)

**ORDER OF
SUMMARY SUSPENSION**

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on October 30, 2012. 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 Richard O. Gardner III, certificate 178799, as a result of his being arrested on September 27, 2012, in Oconee County, South Carolina, and being charged with eleven counts of Criminal Sexual Conduct With A Minor (second degree), S.C. Code Ann. § 16-3-655 (B)(1) (Supp. 2011) and thirteen counts of Committing or Attempting Lewd Act Upon a Child Under Sixteen, S.C. Code Ann. § 16-15-140 (Supp. 2011).

The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Gardner may pose a threat to the health, safety and welfare of students and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Mr. Gardner'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. Gardner of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. Gardner holds a professional South Carolina educator certificate and has over sixteen years of teaching experience. He has been employed by the Chesterfield County School District (District) since 2005. For the 2012–2012 school year, Mr. Gardner has been employed by the District as a wrestling coach and physical education teacher at Central High School in Pageland, South Carolina. The District has placed Mr. Gardner on administrative leave, with pay. Mr. Gardner was formerly employed by the School District of Oconee County as a teacher at Walhalla Middle School and wrestling coach at Walhalla High School from 1995–2005.

Mr. Gardner was arrested on or about September 27, 2012, in Oconee County, South Carolina, and charged with eleven counts of Criminal Sexual Conduct With A Minor (second degree), S.C. Code Ann. § 16-3-655 (B)(1) (Supp. 2011) and thirteen counts of Committing or Attempting Lewd Act Upon a Child Under Sixteen, S.C. Code Ann. § 16-15-140 (Supp. 2011). The SCDE has reason to believe that,

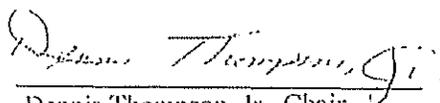
due to the serious nature of these allegations of misconduct, Mr. Gardner may pose a threat to the health, safety and welfare of students and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Mr. Gardner's educator certificate 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. Gardner 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 the allegations of Mr. Gardner's unprofessional conduct, immorality, conduct involving moral turpitude, evident unfitness for position for which employed and his arrest on eleven counts Criminal Sexual Conduct With A Minor (second degree), S.C. Code Ann. § 16-3-655 (B)(1) (Supp. 2011) and thirteen counts of Committing or Attempting Lewd Act Upon a Child Under Sixteen, S.C. Code Ann. § 16-15-140 (Supp. 2011), there is reason to believe that Mr. Gardner may pose a threat to the health, safety and welfare of students and that emergency action is required. Accordingly, the educator certificate of Richard O. Gardner, certificate 178799, 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. Gardner of the summary suspension, as well as the possible suspension or revocation of his educator certificate. The Summary Suspension shall be immediately reported to all school districts in South Carolina and the NASDTEC Clearinghouse.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: 
Dennis Thompson, Jr., Chair