

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the	)	
	)	
Educator Certificate of	)	CONSENT ORDER OF
	)	SUSPENSION
Daniel Gary	)	
	)	
<u>Educator Certificate 251686</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 14, 2018. On March 1, 2018, the South Carolina Department of Education (SCDE) sent notice via regular and certified mail, return receipt requested, to Daniel Gary concerning the pending action against his educator certificate 251686. After Mr. Gary received the notice he contacted the SCDE to request a hearing and to discuss an alternative resolution. Prior to the scheduling of a hearing in this matter, Mr. Gary agreed to waive his right to a hearing and enter into this Consent Order of Suspension of his educator certificate 251686 for a period of one year. After considering the evidence presented, the State Board voted to accept the Consent Order of Suspension of Mr. Gary's educator certificate for a period of one year, commencing on August 14, 2018, and ending on August 13, 2019.

Daniel Gary 251686

Initial
6/28/18
Date

FINDINGS OF FACT

Daniel Gary holds a valid South Carolina professional educator certificate. Mr. Gary has over six years of educator experience and has no prior record of disciplinary action with the State Board.

Mr. Gary was employed by Greenwood County School District (District) as a Spanish teacher at Greenwood High School (School). On November 28, 2017, the District placed Mr. Gary on administrative leave during an investigation into reported allegations of inappropriate content not in line with district policies on his personal social media site. Mr. Gary submitted his resignation via email on November 29, 2017, which the District accepted. On November 29, 2017, the District reported Mr. Gary's unprofessional conduct to the SCDE.

Daniel Gary, S.C. Certificate 251686

Consent Order of Suspension

August 14, 2018

Page 2

On December 04, 2017, the SCDE Office of General Counsel (OGC) submitted a subpoena to the District, via email, requesting Mr. Gary's personnel file and related materials. On December 07, 2017, the OGC received the requested information from the District. The District files revealed that a teacher received a complaint from a parent with a copy of the internet material in question, which was turned over to the principal and the District. While Mr. Gary is entitled to express his views openly, the video contained language disparaging students and further levies personal attacks on his former supervisor and his former co-workers, which is unprofessional conduct.

After considering the evidence presented, the State Board voted to accept the Consent Order of Suspension of Mr. Gary's educator certificate for a period of one year commencing on August 14, 2018, and ending on August 13, 2019.

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 (Rev. 2004); S.C. Code Ann. § 59-25-160 (2016). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (2016); 24 S.C. Code Regs. 43-58 (2016). The State Board finds that the evidence presented demonstrates that Mr. Gary engaged in unprofessional conduct by posting inappropriate content on his personal social media site in violation of district policies. The State Board further finds that just cause exists for the suspension of Mr. Gary's educator certificate for a period of one year, commencing on August 14, 2018, and ending on August 13, 2019.

Now, therefore, it is hereby ordered that the educator certificate of Daniel Gary, certificate 251686, is suspended for a period of one year commencing on August 14, 2018, and ending on August 13, 2019.

If Mr. Gary 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. Gary 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. The suspension of Mr. Gary's educator certificate shall be reported to

Daniel Gary 251686
<u>DL</u> Initial
<u>8/28/19</u> Date

Daniel Gary, S.C. Certificate 251686

Consent Order of Suspension

August 14, 2018

Page 3

the NASDIEC 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:

Sharon Wall
Sharon Wall, Ed.D., Chair

Columbia, South Carolina

June 21, 2018

I, Daniel Gary, SC Educator Certificate 251686, 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 three pages, and understand that this Order will be presented to the State Board for approval on August 14, 2018. I understand this 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.

Daniel Gary
Daniel Gary

6/28/18
Date

