

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Gilbert Antwan Burgess
Certificate 285127

ORDER OF SUMMARY SUSPENSION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on May 21, 2024. 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 Gilbert Antwan Burgess, educator certificate 285127, as a result of his arrest for the felony charge of criminal sexual conduct with a minor, S.C. Code Ann. § 16-3-655 (2012).

The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Burgess 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. Burgess' 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. Burgess of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. Burgess holds a South Carolina educator certificate and has over eleven years of educator experience. At the time of his arrest, Mr. Burgess was employed as a teacher with Butler Academy in the South Carolina Public Charter School District (District).

On May 20, 2024, the District informed the SCDE that Mr. Burgess was placed on administrative leave from the School. It was also reported that Mr. Burgess was arrested on or about May 17, 2024, on the felony charge of criminal sexual conduct with a minor, S.C. Code Ann.

§ 16-3-655 (2012). Reports stated the minor, who was between 11-14 years old, was not a student at the School.

The SCDE has reason to believe that, due to the serious nature of this allegation of misconduct, Mr. Burgess 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. Burgess' 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. Burgess 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 (2020); S.C. Code Ann. § 59-25-160 (2020). 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 (2020); 24 S.C. Code Regs. 43-58 (2021). In accordance with S.C. Code Ann. § 1-23-370(c) (2020), "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 (2020) and State Board Rule of Governance BBABA, the Chair of the State Board finds that as a result of the allegations of Mr. Burgess' 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 the felony charge of criminal sexual conduct with a minor, there is reason to believe Mr. Burgess may pose a threat to the health, safety, and welfare of students and emergency action is required.

Accordingly, the educator certificate of Gilbert Antwan Burgess, certificate number 285127, is summarily suspended until a due process hearing is held and/or this matter is

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otherwise resolved. The SCDE is directed to serve notice on Mr. Burgess of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

AND IT IS SO ORDERED.

South Carolina Board of Education

s/David C. O'Shields
David C. O'Shields, Chair

Columbia, South Carolina
May 21, 2024