

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Gary L. Burgess
Certificate 123553

ORDER OF SUMMARY SUSPENSION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on January 14, 2025. 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 Gary L. Burgess, educator certificate 123553, as a result of his arrest for two felony counts of criminal sexual conduct with a minor, victim 11 to 14 years of age, in violation of S.C. Code Ann. § 16-3-655(B)(1) (2004).

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

FINDINGS OF FACT

Dr. Burgess holds a South Carolina educator certificate and has over thirty years of educator experience. Dr. Burgess is currently a member of the Anderson County Board of Education.

On or about November 22, 2024, Dr. Burgess was arrested for two counts of felony criminal sexual conduct with a minor, victim 11 to 14 years old, in violation of S.C. Code Ann. §

16-3-655(B)(1) (2004). It is alleged that Dr. Burgess twice engaged in sexual battery with a minor 11 to 14 years old in 1976. At the time of the incidents, Dr. Burgess was more than three years older than the victim.

The SCDE has reason to believe that, due to the serious nature of this allegation of misconduct, Dr. 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 Dr. 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 Dr. 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 Dr. 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 criminal sexual conduct with a minor, there is reason to believe Dr. Burgess may pose a threat to the health, safety, and welfare of students and emergency action is required.

Accordingly, the educator certificate of Gary Burgess, certificate number 123553, is summarily suspended until a due process hearing is held and/or this matter is otherwise resolved.

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The SCDE is directed to serve notice on Dr. 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/Rita Allison
Rita Allison, Chair

Columbia, South Carolina
January 14, 2025