

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation or)
Suspension of the Educator Certificate of)
Anthony Richard Heiter,)
Educator Certificate 275298)
_____)

**ORDER OF
SUMMARY SUSPENSION**

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on January 17, 2019. In accordance with S.C. Code Ann. § 1-23-370(c) (2016), § 59-5-10 (2016), 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 Anthony Richard Heiter, educator certificate 275298, as a result of his arrest on the felony count of criminal sexual conduct with a minor, S.C. Code Ann. §16-03-655(C) (2017).

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

FINDINGS OF FACT

Mr. Heiter holds a professional South Carolina educator certificate and has twelve years of educator experience. Mr. Valbert is employed by the Beaufort County School District (District) and served as a teacher at Hilton Head Island Elementary School (School). The District placed Mr. Heiter on administrative leave when the law enforcement investigation began.

On or about January 17, 2019, the Beaufort County Sheriff's Office charged Mr. Heiter with the felony count of criminal sexual conduct with a minor, S.C. Code Ann. §16-03-655(C) (2017). It is alleged that Mr. Heiter exposed himself to a first grade student.

The SCDE has reason to believe that, due to the serious nature of this allegation of misconduct, Mr. Heiter 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. Heiter'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. Heiter 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 (2016). 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 (2016); 24 S.C. Code Ann. Regs. 43-58 (2016). In accordance with S.C. Code Ann. § 1-23-370(c) (2016), "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 (2016) and State Board Rule of Governance BBABA, the Chair of the State Board finds that as a result of the allegations of Mr. Heiter's unprofessional conduct and evident unfitness for the position for which employed due to his felony arrest for one count of criminal sexual conduct with a minor, S.C. Code Ann. §16-03-655(C) (2017), there is reason to believe Mr. Heiter may pose a threat to the health, safety, and welfare of students and emergency action is required.

Accordingly, the educator certificate of Anthony Richard Heiter, educator certificate 275298, 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. Heiter of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

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AND IT IS SO ORDERED.

South Carolina State Board of Education

By: - 
Del-Gratia Jones, Chair

Columbia, South Carolina
January 17, 2019