

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)
)
and Voluntary Surrender of the)
)
Educator Certificate of)
)
Michael J. Miller,)
)
Certificate 204436)

**CONSENT ORDER OF
PERMANENT
VOLUNTARY SURRENDER
AND REVOCATION**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 10, 2011. On February 8, 2010, the Chair of the State Board, in accordance with S.C. Code Ann. § 1-23-370(c) (2004), § 59-5-10 (2004), and State Board Rule of Governance BBABA summarily suspended the educator certificate of Michael J. Miller, certificate 204436, as a result of his arrest on February 4, 2010, on criminal charges. On February 10, 2010, the South Carolina Department of Education (SCDE) sent Mr. Miller a notice of his right to a hearing before the State Board concerning the possible suspension or revocation of his South Carolina educator certificate 204436 by regular and certified mail, return receipt, restricted delivery. On February 12, 2010, Mr. Miller received the notice as evidenced by a signed postal receipt bearing his signature. On September 16, 2010, Mr. Miller's attorney informed the SCDE that Mr. Miller desired to waive his right to a hearing and had agreed to the permanent voluntary surrender of his educator certificate. After reviewing the information presented, the State Board voted to accept the Consent Order of Permanent Voluntary Surrender and Revocation of Mr. Miller's educator certificate.

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his educator certificate will be reported to all school districts in South Carolina and the NASDTEC Clearinghouse as a permanent voluntary surrender and revocation with the reasons stated as "unprofessional conduct, crime against the law of this State, immorality, and evident unfitness for position for which employed."

CONCLUSIONS OF LAW

The South Carolina State Board of Education may, for just cause, either revoke or suspend the certificate of any person. S.C. Code Ann. § 59-25-150 (2004); S.C. Code Ann. § 59-25-160 (2004). Just cause includes "Unprofessional conduct, crime against the law of this State, immorality, and evident unfitness for position for which employed." S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Ann. Regs. 43-58 (Supp. 2009). The State Board finds that the evidence presented by the SCDE, which is undisputed by Mr. Miller, demonstrates that Mr. Miller engaged in unprofessional conduct, immorality, committed a crime against the law of this state, and demonstrated an evident unfitness for the position for which he was employed. The State Board further finds that just cause exists to accept the permanent voluntary surrender of the educator certificate 204436 issued in the name of Michael J. Miller, and to permanently revoke his educator certificate, effective February 10, 2011. As a condition of this consent order, Mr. Miller shall never be eligible to reapply for an educator certificate in South Carolina. Mr. Miller has waived his right to a hearing and understands that the terms set forth herein are not subject to reconsideration, collateral attack or judicial review.

Now, therefore, it is hereby ordered that the Consent Order of Permanent Voluntary Surrender and Revocation of the educator certificate of Michael J. Miller, certificate 204436 is accepted. The permanent voluntary surrender and revocation of Mr. Miller's educator certificate 204436 shall be reported to the NASDTEC Clearinghouse and all South Carolina school

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FINDINGS OF FACT

Mr. Miller holds a professional South Carolina educator certificate and has ten years of teaching experience. Mr. Miller had been employed by Bamberg County School District One as a High School Band Director at Bamberg-Ehrhardt High School since 2006 until his resignation from the District effective February 5, 2010.

On February 8, 2010, the Chair of the State Board, in accordance with S.C. Code Ann. § 1-23-370(c) (2004), § 59-5-10 (2004), and State Board Rule of Governance BBABA summarily suspended Mr. Miller's educator certificate 204436, as a result of his arrest on February 4, 2010, on criminal charges. On February 10, 2010, the SCDE sent Mr. Miller a notice of his right to a hearing before the State Board concerning the possible suspension or revocation of his South Carolina educator certificate 204436 by regular and certified mail, return receipt, restricted delivery. On February 12, 2010, Mr. Miller received the notice as evidenced by a signed postal receipt bearing his signature. On September 16, 2010, Mr. Miller's attorney informed the SCDE that Mr. Miller desired to waive his right to a hearing and had agreed to the permanent voluntary surrender of his educator certificate. On September 20, 2010, Mr. Miller pled guilty to three charges of assault and battery of a high and aggravated nature.

Mr. Miller voluntarily agrees to the permanent surrender of his educator certificate 204436 and agrees to the following conditions: (1) his educator certificate will become permanently invalid and revoked immediately upon the approval by the State Board of the Consent Order of Permanent Voluntary Surrender and Revocation; (2) he may never reapply for a South Carolina educator certificate; (3) he has waived his right to a hearing and understands that the terms set forth herein are not subject to reconsideration, collateral attack or judicial review; (4) he agrees not to be employed or to volunteer, in any capacity, in any school district in the State of South Carolina; and (5) he acknowledges that the voluntary surrender of

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districts within thirty days from the date of this order with the reasons stated as "unprofessional conduct, immorality, crime against the law of this State, and evident unfitness for position for which employed."

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: *Gerrita Postlewait*
Gerrita Postlewait, Chair

Columbia, South Carolina
February 10, 2011

I, Michael J. Miller, S.C. Educator Certificate 204436, 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 hereby freely, knowingly and voluntarily surrender my educator certificate to the South Carolina State Board of Education. I knowingly forfeit and relinquish all right, title and privilege of holding myself out as and being able to practice as an educator in the public schools in the State of South Carolina. I agree that I will not serve as a volunteer or be employed as an educator, paraprofessional, aide, substitute teacher, coach, or in any other position in a public school in the State of South Carolina. I agree to the proposed Consent Order of Permanent Voluntary Surrender and Revocation, consisting of four pages, and understand that this Order will be presented for approval to the South Carolina State Board of Education on February 10, 2011.

Michael J. Miller
Michael J. Miller

12/03/2010
Date