

**BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION**

In the Matter of the Discipline )  
 )  
of the Educator Certificate of )  
 )  
Michael Eugene Berry, )  
 )  
Certificate 166438 )

**ORDER OF  
PUBLIC REPRIMAND**

**SUMMARY OF THE CASE**

The South Carolina State Board of Education (State Board) considered this matter on May 8, 2018. On March 28, 2018, the South Carolina Department of Education (SCDE) sent Michael Eugene Berry notice informing him that the State Board would meet to make a determination regarding possible disciplinary action of his educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. On April 4, 2018, Mr. Berry received the notice, as evidenced by the signed postal receipt bearing his signature. Mr. Berry did not request a hearing and is in default. After considering the information presented by the SCDE, the State Board voted to issue a public reprimand to Mr. Berry and approve this Order of Public Reprimand.

**FINDINGS OF FACT**

Mr. Berry holds a valid South Carolina professional educator certificate and has over twenty-five years of teaching experience. He has no prior record of disciplinary action with the State Board. Mr. Berry was employed by Richland County School District One (District) as a teacher at W.A. Perry Middle School (School). He resigned from his position with the District on May 10, 2017, effective May 27, 2017.

On March 28, 2017, the District was informed that Mr. Berry pushed a student's desk, raised his voice at the student, and used profanity in the classroom. The student had arrived late to class and failed to remove his book bag before sitting at his desk. Mr. Berry reminded the student that, according to school rules, all book bags were to be placed under students' desks. The student did not remove the book bag. On March 29, 2017, The District placed Mr. Berry on administrative leave while the District investigated this incident. In a statement to the District, Mr. Berry stated the student had arrived late to class and failed to follow Mr. Berry's repeated instruction to put his book bag under his desk. Mr. Berry stated he slammed his hand on the

student's desk and moved the desk portion of the student's seat. The student continued to be argumentative and Mr. Berry admits to using profanity at some point during the incident. He regrets his error in judgment in this matter.

On May 9, 2017, the District Board voted to suspend Mr. Berry for five days as a reprimand for the incident. Mr. Berry subsequently did not return his contract and resigned from the District on May 10, 2017, effective May 27, 2017. On June 8, 2017, the District reported this matter to the SCDE. Mr. Berry sent a statement to the SCDE and informed SCDE that he was not requesting a hearing. He is now in default. After considering the evidence presented, the State Board voted to publicly reprimand Mr. Berry and approve this Order of Public Reprimand.

#### **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); The State Board may, for just cause, issue a public reprimand. 24 S.C. Code Ann. Regs. 43-58 (2017). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-2-160 (2017). The State Board finds that the evidence presented supports its conclusion that just cause does not exist to suspend or revoke the educator certificate of Michael Eugene Berry and that the issuance of a Public Reprimand to Mr. Berry by the State Board is an appropriate sanction in this matter. The State Board finds that the record outlined above demonstrates that Mr. Berry engaged in unprofessional conduct by hitting a student's desk and using profanity in the classroom.

Now, therefore, it is hereby ordered that a Public Reprimand is issued to Michael Eugene Berry, certificate 166438. The public reprimand of Mr. Berry, certificate 166438 shall be reported to the NASDTEC 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



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Sharon Wall, Ed.D., Chair

Columbia, South Carolina  
May 8, 2018