

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Michael Eugene Berry
Certificate 166438

ORDER OF SUSPENSION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered the matter on November 12, 2019. On September 24, 2019, the South Carolina Department of Education (SCDE) sent a notice letter to Michael Eugene Berry informing him that the State Board would meet to make a determination regarding the possible disciplinary action of his educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. Mr. Berry received the notice on October 2, 2019, as evidenced by the USPS Tracking. Mr. Berry has not requested a hearing and is now in default.

After considering the evidence presented, the State Board voted to suspend Mr. Berry's educator certificate for a period of two years, commencing on November 12, 2019, and ending on November 11, 2021.

FINDINGS OF FACT

Mr. Berry holds a valid South Carolina educator certificate and has over twenty-six years of teaching experience. On May 8, 2019, the State Board issued a public reprimand on Mr. Berry's certificate for hitting a student's desk and using profanity in his classroom. Mr. Berry was serving as a music teacher for the Darlington County School District (District) at the time of the current allegations.

The District allowed Mr. Berry to return work after initially placing him on administrative leave due to the previous Order of Public Reprimand. In returning him to work, the District noted that future incidents could result in possible termination. Thereafter, in December of 2018, he received an internal reprimand for his improper handling of two separate student disciplinary

issues. The following month, Mr. Berry was reported to administration for insulting a student by calling the student ugly, fat, and stupid.

Mr. Berry admitted to insulting the student. He apologized and alleged that he had lost his temper. During a meeting with the District, Mr. Berry also discussed the allegations that lead to the Order of Public Reprimand. He noted that during that incident, he did not lose his temper but was intentionally causing a scene to get the students' attention. Mr. Berry informed District staff that he did not want to have to do so again in the future. He continued to express frustration with school staff he believed were coddling students. Mr. Berry also noted that although he was reported to police several times in the past, criminal charges were never brought against him. He expressed his belief that others were taking the incident too seriously and believed no harm had been done.

Mr. Berry was allowed to resign from the District in lieu of termination. His resignation was reported to the SCDE, and Mr. Berry has been notified of the allegations. He has not requested a hearing in this matter and is now in default.

After considering the evidence presented, the State Board voted to suspend Mr. Berry's educator certificate for a period of two years, commencing on November 12, 2019, and ending on November 11, 2021.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2016); S.C. Code Ann. § 59-25-160 (2016). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (2016). The State Board finds that the evidence presented demonstrates that Mr. Berry engaged in unprofessional conduct towards and in the presence of students.

Accordingly, the evidence presented supports the State Board's determination that just cause exists to suspend the educator certificate of Michael Eugene Berry, Educator Certificate 166438, for a period of two years, commencing on November 12, 2019, and ending on November 11, 2021.

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If Mr. Berry wishes to have his educator certificate reinstated at the end of the suspension period, he shall make a written request to the SCDE's Office of Educator Services and shall meet all certification requirements in effect at the time he requests reinstatement. The suspension of Mr. Berry's Educator 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

By: s/Del-Gratia Jones
Del-Gratia Jones, Chair

Columbia, South Carolina
November 12, 2019