

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Percy M. Berry
Certificate 220901

ORDER OF REVOCATION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on September 8, 2020. On May 29, 2020, and August 10, 2020, the South Carolina Department of Education (SCDE) sent a notice letter to Mr. Berry regarding the possible suspension or revocation of his South Carolina educator certificate. The SCDE has verified Mr. Berry's address and the final letter sent via regular mail has not been returned. On August 25, 2020, the SCDE informed Mr. Berry via regular mail that the State Board would meet on September 8, 2020, to consider action against his educator certification. Under the South Carolina Rules of Civil Procedure 5(b), Mr. Berry has been given fair notice of constitutional due process. Mr. Berry has not requested a hearing and is in default. After considering the evidence presented, the State Board voted to revoke Mr. Berry's educator certificate 220901, effective September 8, 2020.

FINDINGS OF FACT

This is a disciplinary matter involving unprofessional conduct. Mr. Berry holds a valid South Carolina professional educator certificate and has over thirteen years of educator experience. Mr. Berry has no prior history of disciplinary action with the State Board.

On October 16, 2019, Richland County School District One (District) received a report that Mr. Berry had ingested an illegal substance in front of his class. A student recorded the incident with their cellphone. The first video begins with Mr. Berry bent over his desk as he appears to snort something from the surface of the desk. A second video appears to start soon thereafter, with Mr. Berry wiping his nose before he begins or continues a discussion about potentially losing a career in teaching. The incident was reported to his supervisors and Mr. Berry was sent for drug testing. The testing indicated a positive result for cocaine, heroin, and morphine. He was subsequently terminated from the District on November 12, 2019.

After considering the evidence presented, the State Board voted to revoke Mr. Berry's educator certificate 220901, effective September 8, 2020.

CONCLUSIONS OF LAW

“The State Board 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 or the United States, evident unfitness for position for which employed, and sale or possession of narcotics.” S.C. Code Ann. § 59-25-160 (2016); 24 S.C. Code Ann. Regs. 43-58 (2016). Accordingly, the evidence presented supports the State Board’s determination that just cause exists to revoke the educator certificate of Percy M. Berry, Educator Certificate 220901, effective September 8, 2020.

Mr. Berry has the right to apply for certification after three years. Mr. Berry shall, pursuant to State Board Rule BBCDB, be subject to a character and fitness review before the State Board with employment information during the period of certificate surrender; community service records; letters of support from a current or prospective school district employer, if applicable; letters of support from community leaders; and SLED and FBI background checks. Mr. Berry shall also pay all applicable fees for certification, if any. The revocation of Mr. Berry’s educator certificate 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/Michael Brennan _____
Michael Brennan, Chair

Columbia, South Carolina
September 8, 2020