

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Barbara Lorraine Cherry
Certificate 298304

ORDER OF SUSPENSION

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on May 17, 2022. On October 1, 2020, and October 22, 2020, the South Carolina Department of Education (SCDE) sent Barbara Lorraine Cherry a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. On November 10, 2020, Ms. Cherry submitted a request for a hearing. The hearing was scheduled for April 29, 2022. On April 18, 2022, Ms. Cherry determined she did not wish to pursue a hearing and wished instead to provide the State Board with a written statement.

After considering the evidence presented, the State Board voted to suspend Ms. Cherry's educator certificate for a period of two years, commencing on May 17, 2022, and ending on May 16, 2024.

FINDINGS OF FACT

Ms. Cherry holds a South Carolina educator certificate and has no educator experience. She has no prior record of disciplinary action with the State Board. Ms. Cherry was a special education teacher at Theodore Lester Elementary School (School) with Florence County School District One (District) for the 2019-20 school year.

On January 24, 2020, Ms. Cherry's students were served breakfast in the classroom. Though the students were allowed to choose their own breakfast options a day ahead of time, one student became overly upset after viewing another student's breakfast and wanted a different option. Ms. Cherry kept a ruler at her desk that she used to create noise to gain the students' attention. After the student became upset over breakfast, she approached the student and spanked them three times with the ruler. Ms. Cherry also used inappropriate language toward the student. Ms. Cherry resigned from the District on January 29, 2020. In a statement to the State Board, Ms. Cherry apologized for her actions.

After considering the evidence presented, the State Board voted to accept the Order of Suspension of Ms. Cherry's educator certificate 298304 for a period of two years, commencing on May 17, 2022, and ending on May 16, 2024.

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 (Rev. 2004); S.C. Code Ann. § 59-25-160 (2016). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (2016); 24 S.C. Code Regs. 43-58 (2016). The State Board finds that the evidence presented demonstrates that Barbara Lorraine Cherry engaged in unprofessional conduct by making inappropriate physical contact with a student and using vulgar language towards that student. The State Board further finds that just cause exists for the suspension of Ms. Cherry, educator certificate 298304 for a period of two years, commencing on May 17, 2022, and ending on May 16, 2024.

Now, therefore, it is hereby ordered that the educator certificate of Barbara Lorraine Cherry educator certificate 298304, is suspended for a period of two years, commencing on May 17, 2022, and ending on May 16, 2024.

If Ms. Cherry wishes to have the certificate reinstated at the conclusion of the period of suspension, she shall make a written request to the SCDE's Office of Educator Services. Ms. Cherry shall be responsible for meeting all certification requirements in effect at the time she requests reinstatement and for the payment of any applicable reinstatement fees. The suspension of Ms. Cherry'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

s/Alan Walters
Alan Walters, Chair

Columbia, South Carolina
May 17, 2022