

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Michael D. Byrd
Certificate 201218

Order of Summary Suspension

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on November 23, 2022. In accordance with S.C. Code Ann. § 1-23-370(c) (2020), § 59-5-10 (2020), and State Board Rule of Governance BBABA, the South Carolina Department of Education (SCDE) requested that the Chair of the State Board summarily suspend the educator certificate of Michael D. Byrd, educator certificate 201218, as a result of his arrest on three charges of Sexual Exploitation of a Minor, Second Degree, one count Sexual Misconduct, Third Degree, and one count Fugitive from Justice.

The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Byrd may pose a threat to the health, safety, and welfare of students, who may be under his instruction and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Mr. Byrd's educator certificate shall be summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Mr. Byrd of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. Byrd holds a South Carolina educator certificate and has over thirteen years of educator experience. At the time of the incident, Mr. Byrd was a Special Education Teacher for Greenwood County School District 52 (District). The District immediately placed Mr. Byrd on administrative leave pending further investigation.

On or about November 22, 2022, Mr. Byrd was arrested by the Greenwood County Sheriff's Office on four counts of Sexual Exploitation of a Minor, Second Degree, one count Criminal Sexual Conduct, Third Degree, and one count Fugitive from Justice.

The SCDE has reason to believe that, due to the serious nature of this allegation of misconduct, Mr. Byrd may pose a threat to the health, safety, and welfare of students who may be under her instruction, and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Mr. Byrd's educator certificate shall be summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Mr. Byrd of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

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 (2020); S.C. Code Ann. § 59-25-160 (2020). Just cause includes unprofessional conduct, crime against the law of this State, and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2020); 24 S.C. Code Regs. 43-58 (2017). In accordance with S.C. Code Ann. § 1-23-370(c) (2017), "If the agency finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action." Pursuant to S.C. Code Ann. § 59-5-10 (2020) and State Board Rule of Governance BBABA, the Chair of the State Board finds that as a result of the allegations of Mr. Byrd's unprofessional conduct, crime against the law of this State or the United States, and evident unfitness for the position for which employed, due to his arrest on three counts of Sexual Exploitation of a Minor, Second Degree, one count of Criminal Sexual Conduct, Third Degree, and one count Fugitive from Justice, there is reason to believe Mr. Byrd may pose a threat to the health, safety, and welfare of students and emergency action is required.

Accordingly, the educator certificate of Michael D. Byrd, certificate number 201218, is summarily suspended until a due process hearing is held and/or this matter is otherwise resolved.

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The SCDE is directed to serve notice on Mr. Byrd of the summary suspension, as well as the possible suspension or revocation of her educator certificate.

AND IT IS SO ORDERED.

South Carolina Board of Education

s/Alan Walters
Alan Walters, Chair

Columbia, South Carolina
December 5, 2022