

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Michael David O'Brien
Certificate 272940

Order of Permanent Revocation

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on April 11, 2023. On February 1, 2023, the South Carolina Department of Education (SCDE) sent Michael David O'Brien a notice via regular and certified mail of his right to a hearing regarding the possible suspension or revocation of his South Carolina educator certificate. Mr. O'Brien received the notice, as evidenced by signed postal receipt. He has not requested a hearing and is now in default. After considering the evidence presented, the State Board voted to permanently revoke Mr. O'Brien's educator certificate 272940, effective April 11, 2023.

FINDINGS OF FACT

Mr. O'Brien holds an expired South Carolina educator certificate and has over twenty years of teaching experience. Mr. O'Brien received his South Carolina educator certification through reciprocity with Pennsylvania. The SCDE does not have a record of Mr. O'Brien working as an educator in South Carolina.

On December 19, 2022, the SCDE learned that Mr. O'Brien's Pennsylvania educator certification was revoked. This action was taken after Mr. O'Brien was convicted of rape by forcible compulsion, statutory sexual assault, involuntary deviate sexual intercourse – forcible compulsion, involuntary deviate sexual intercourse, involuntary deviate sexual intercourse with a child, aggravated indecent assault by forcible compulsion, aggravated indecent assault – complainant less than 13 years of age, aggravated indecent assault – complainant less than 16 years of age, incest of a minor between 13 and 18 years of age, indecent assault – person less than 13 years of age, indecent assault – person less than 16 years of age, and indecent assault –

forcible compulsion. The criminal charges were adjudicated in Pennsylvania, where he was sentenced to 25 to 70 years in state prison.

After considering the evidence presented, the State Board voted to permanently revoke Mr. O'Brien's educator certificate 272940, effective April 11, 2023.

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 "incompetence; willful neglect of duty; willful violation of the rules and regulations of the State Board of Education; unprofessional conduct; drunkenness; cruelty; crime against the law of this State or the United States; immorality; any conduct involving moral turpitude; dishonesty; evident unfitness for position for which employed; or sale or possession of narcotics." S.C. Code Ann. § 59-25-160 (2016); S.C. Code Ann. Regs. 43-58 (2016).

The State Board finds that the evidence presented by the SCDE supports its determination that just cause exists to permanently revoke education certificate 272940, issued in the name of Michael David O'Brien, effective April 11, 2023. The permanent revocation of Mr. O'Brien's educator certificate 272940 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 Board of Education

s/Crystal F. Stapleton, Ed.D.
Crystal F. Stapleton, Chair

Columbia, South Carolina
April 11, 2023