

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 PERMANENT REVOCATION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on June 11, 2024. On January 29, 2024, the South Carolina Department of Education (SCDE) sent Michael D. Byrd a notice via regular and certified mail of his right to a hearing regarding the possible revocation of his South Carolina educator certificate. The SCDE has verified Mr. Byrd's address and the letter sent via regular mail has not been returned. On March 4, 2024, the SCDE informed Mr. Byrd via regular mail that the State Board would meet on May 14, 2024, or as soon thereafter as is feasible, to consider action against his educator certification. Under the South Carolina Rules of Civil Procedure 5(b), Mr. Byrd has been given fair notice of constitutional due process. He has not contacted the SCDE to request a hearing and is now in default.

After considering the evidence presented, the State Board voted to permanently revoke Mr. Byrd's educator certificate 201218, effective June 11, 2024.

FINDINGS OF FACT

Mr. Byrd holds a suspended 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). He resigned from the District on January 27, 2023.

Mr. Byrd's South Carolina educator certificate was summarily suspended on November 23, 2022, after his arrest on four counts of sexual exploitation of a minor, 2nd degree, one count of criminal sexual conduct, 3rd degree, and one count as a fugitive from justice. These charges were not prosecuted at the State level. However, Mr. Byrd was indicted for the federal charge of knowingly possessing depictions of persons under 18 years of age engaged in sexually explicit

conduct, as well as two federal charges for knowingly distributing visual depictions of minors engaging in sexually explicit conduct. On October 18, 2023, Mr. Byrd signed a guilty plea in federal court for distributing visual depictions of minors in sexually explicit conduct.

After considering the evidence presented, the State Board voted to permanently revoke Mr. Byrd's educator certificate 201218, effective June 11, 2024.

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 (2020). Just cause includes "unprofessional conduct, crime against the law of this State or the United State, evident unfitness for position for which employed, and sale or possession of narcotics." S.C. Code Ann. § 59-25-160 (2020); 24 S.C. Code Ann. Regs. 43-58 (2021). The State Board finds that Mr. Byrd engaged in unprofessional conduct, immorality, conduct involving moral turpitude, and crime against the law of this State or the United States due to his plea to distributing visual depictions of minors in sexually explicit conduct.

The State Board finds that the evidence presented by the SCDE supports its decision that just cause exists to permanently revoke education certificate 201218, issued in the name of Michael D. Byrd, effective June 11, 2024. The permanent revocation of Mr. Byrd's educator certificate 201218 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/David C. O'Shields
David C. O'Shields, Chair

Columbia, South Carolina
June 11, 2024