

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Leann M. Aguilar,	)	(BREACH OF CONTRACT)
	)	
Certificate 243687	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 10, 2011. On November 23, 2010, the South Carolina Department of Education (SCDE) sent Leann M. Aguilar a notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. On November 24, 2010, Ms. Aguilar received the notice as evidenced by a postal receipt bearing her signature. Ms. Aguilar did not contact the SCDE to request a hearing within the time specified in the notice and is now in default.

After considering the evidence presented, the State Board voted to suspend Ms. Aguilar's educator certificate for a period of one year, commencing on February 10, 2011, and ending on February 9, 2012.

FINDINGS OF FACT

This case concerns a formal complaint by the Georgetown County School District (District) seeking the suspension of the educator certificate of Leann M. Aguilar for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2004) and S.C. Code Ann § 59-25-530 (2004).

Ms. Aguilar holds a valid South Carolina educator certificate and has three years of teaching experience. On May 23, 2010, Ms. Aguilar signed a Contractual Agreement with the District for the 2010-2011 school year to work as a Spanish teacher at Georgetown High School.

On October 12, 2010, while on leave from the District, Ms. Aguilar sent a letter of resignation to the District stating that she was resigning from the District because she wanted to stay home to care for her two daughters. The District gave Ms. Aguilar written notice that she would be released from her teaching position once the District secured a suitable replacement.

On October 19, 2010, Ms. Aguilar informed Dr. Grate Morant that she would not be returning to her teaching position. Ms. Aguilar abandoned her position with the District.

On October 27, 2010, the District Superintendent sent a letter to Ms. Aguilar stating that the District would make a recommendation to the Georgetown County Board of Education that her breach of contract be reported to the State Board for possible suspension or revocation of her teaching license.

On November 9, 2010, the Georgetown County Board of Education voted unanimously to recommend Ms. Aguilar for certificate suspension or revocation.

On November 23, 2010, the SCDE sent Ms. Aguilar a notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. On November 24, 2010, Ms. Aguilar received the notice as evidenced by a postal receipt bearing her signature. Ms. Aguilar did not contact the SCDE to request a hearing within the time specified in the notice and is now in default.

After considering the evidence presented, the State Board finds that the evidence presented demonstrates that Ms. Aguilar breached her contract with the District, and that just cause exists to suspend Ms. Aguilar's educator certificate for a period of one year, commencing on February 10, 2011, and ending on February 9, 2012.

CONCLUSIONS OF LAW

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004). Just cause includes, *inter alia*, "unprofessional conduct" and "willful violation of the rules and regulations of the State Board of Education." S.C. Code Ann. § 59-25-160 (3) and (4) (2004). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (Supp. 2010), the State Board of Education has the legal authority, *inter alia*, to suspend a certificate for "willful neglect of duty" and "failure to comply with the provisions of a contract without the written consent of the local school board." The State Board finds that the evidence presented demonstrates that Ms. Aguilar breached her contract and engaged in unprofessional conduct, willfully neglected her duty, and failed to comply with the provisions of her contract without the written consent of the Georgetown County Board of Education. The

evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Leann M. Aguilar, certificate 243687, for a period of one year, commencing on February 10, 2011, and ending on February 9, 2012. If Ms. Aguilar wishes to have her educator certificate reinstated at the end of the suspension period, she shall make a written request to the SCDE's Office of Educator Certification, and shall meet all certification requirements in effect at the time she requests reinstatement. Ms. Aguilar shall also pay all applicable reinstatement fees. The suspension of Ms. Aguilar's educator certificate 243687 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order with the reason stated as "unprofessional conduct for breach of contract, willful neglect of duty, and failure to comply with the provisions of a contract without the written consent of the local school board."

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: 
Gerrita Postlewait, Chair

Columbia, South Carolina
February 10, 2011