

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Sonya A. Davis,	)	(BREACH OF CONTRACT)
	)	
Certificate 249208	)	

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 Sonya A. Davis 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. Davis received the notice as evidenced by a postal receipt bearing her signature. Ms. Davis 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. Davis' 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 Lee County School District (District) seeking the suspension of the educator certificate of Sonya A. Davis 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. Davis holds a valid South Carolina educator certificate and has less than one year of teaching experience. On April 19, 2010, Ms. Davis signed a Contractual Agreement with the District for the 2010-2011 school year to work as a fourth grade teacher at Dennis Intermediate School. On September 27, 2010, Ms. Davis sent a letter of resignation to the Lee County School Board stating that she was resigning from the District, effective September 27, 2010, because she could not perform her duties in such a stressful and unprofessional work environment.

On September 28, 2010, the Director of Human Resources and Communication sent a letter to Ms. Davis stating that she was required to await board approval in order to be released from her contract. The Director of Human Resources and Communication also informed Ms. Davis that the next board meeting was scheduled for October 18, 2010, and that Ms. Davis was expected to report to work immediately. The letter also stated that failure to report to work would constitute unprofessional conduct and that the District would pursue the revocation of her teaching credential. Ms. Davis failed to return to work.

On October 18, 2010, the Lee County Board of Trustees accepted Ms. Davis' resignation request, pending a suitable replacement. Ms. Davis failed to report to work until the District hired a suitable replacement.

On November 15, 2010, the Lee County Board of Trustees approved the superintendent's recommendation to terminate Ms. Davis' employment with the District, based on Ms. Davis' failure to return to work and failure to comply with her contract.

On November 16, 2010, the Lee County Board of Trustees issued a resolution asking the State Board to suspend the teaching credential of Sonya A. Davis for breach of contract.

On November 23, 2010, the SCDE sent Ms. Davis 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. Davis received the notice as evidenced by a postal receipt bearing her signature. Ms. Davis 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. Davis breached her contract with the District, and that just cause exists to suspend Ms. Davis' 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 to suspend, *inter alia*, 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. Davis 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 Lee County School District. The evidence presented further supports the State Board’s determination that just cause exists to suspend the educator certificate of Sonya A. Davis, certificate 249208, for a period of one year, commencing on February 10, 2011, and ending on February 9, 2012. If Ms. Davis 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. Davis shall also pay all applicable reinstatement fees. The suspension of Ms. Davis’ educator certificate 249208 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