

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension

of the Educator Certificate of

Derek A. Ayers,

Certificate 209115

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**ORDER OF SUSPENSION
(BREACH OF CONTRACT)**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 11, 2011. On November 23, 2010, the South Carolina Department of Education (SCDE) sent Derek A. Ayers a notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. The notice was returned from the post office marked unclaimed. On January 13, 2011, the SCDE sent a second notice letter and a request for service to the Dorchester County Sheriff's Office. On January 25, 2011, Mr. Ayers was personally served with the notice letter by the Dorchester County Sheriff's Office. Mr. Ayers 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 Mr. Ayers' educator certificate for a period of one year, commencing on March 11, 2011, and ending on March 10, 2012.

FINDINGS OF FACT

This case concerns a formal complaint by the Berkeley County School District (District) seeking the suspension of the educator certificate of Derek A. Ayers 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).

Mr. Ayers holds a valid South Carolina educator certificate and has over eight years of teaching experience. On June 6, 2010, Mr. Ayers signed a Contractual Agreement with the District for the 2010-2011 school year to work as a teacher at Berkeley High School. On August 30, 2010, the District Chief Human Resources Officer, explained to Mr. Ayers that the administration would not be able to grant Mr. Ayer's request for the release from his contract

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 Mr. Ayers breached his contract and engaged in unprofessional conduct, willfully neglected his duty, and failed to comply with the provisions of his contract without the written consent of the Berkeley County Board of Education. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Derek A. Ayers, certificate 209115, for a period of one year, commencing on March 11, 2011, and ending on March 10, 2012. If Mr. Ayers wishes to have his educator certificate reinstated at the end of the suspension period, he shall make a written request to the SCDE's Office of Educator Certification, and shall meet all certification requirements in effect at the time he requests reinstatement. Mr. Ayers shall also pay all applicable reinstatement fees. The suspension of Mr. Ayers' educator certificate 209115 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
March 11, 2011