

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Pamela M. Fields,	)	(BREACH OF CONTRACT)
	)	
Certificate 176911	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on September 8, 2011. On November 22, 2010, the South Carolina Department of Education (SCDE) sent Pamela M. Fields 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 December 1, 2010, Ms. Fields received the notice as evidenced by a postal receipt bearing her signature. On, December 2, 2010, Ms. Fields requested a hearing. On July 15, 2011, a hearing was held concerning Ms. Fields alleged Breach of Contract with the Lee County School District.

After considering the evidence presented, the State Board voted to suspend Ms. Fields' educator certificate for a period of one year, commencing on September 8, 2011, and ending on September 7, 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 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. Fields holds a valid South Carolina educator certificate and has over fifteen years of teaching experience. On April 15, 2010, Ms. Fields signed a Contractual Agreement with the District for the 2010-2011 school year to work as a Reading Specialist at Lower Lee Elementary School. On August 26, 2010, Ms. Fields sent a letter of resignation to the District stating that she was resigning from the District due to her mother's continuous health problems. On September 7, 2010, the District gave Ms. Fields written notice that her resignation would be considered, but

she had to return to work until the District could secure a suitable replacement. The letter also advised Ms. Fields that she did not qualify to take leave under the Family Medical Leave Act. On September 12, 2010, Ms. Fields informed the District that she had received the letter dated September 7, 2010.

On September 12, 2010, the District sent a letter to Ms. Fields that her failure to report to work as directed constituted unprofessional conduct and the District would petition the Lee County Board of Trustees to pursue the suspension and/or revocation of her teaching license.

On October 18, 2010, the Lee County School District signed a resolution asking the State Board to suspend the teaching credential of Ms. Pamela M. Fields for Breach of Contract.

On November 22, 2010, the SCDE sent Pamela M. Fields 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 December 1, 2010, Ms. Fields received the notice as evidenced by a postal receipt bearing her signature. On December 2, 2010, Ms. Fields requested a hearing. On July 15, 2011, a hearing was held concerning Ms. Fields alleged Breach of Contract with the Lee County School District.

After considering the evidence presented, the State Board finds that the evidence presented demonstrates that Ms. Fields breached her contract with the District, and that just cause exists to suspend Ms. Fields' educator certificate for a period of one year, commencing on September 8, 2011, and ending on September 7, 2012.

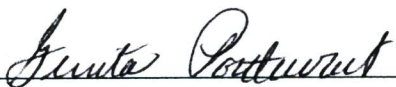
CONCLUSIONS OF LAW

"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. Fields 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 Board of Education. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Pamela M. Fields, certificate 176911, for a period of one year, commencing on September 8, 2011, and ending on September 7, 2012. If Ms. Fields 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, Recruitment, and Preparation, and shall meet all certification requirements in effect at the time she requests reinstatement. Ms. Fields shall also pay all applicable reinstatement fees. The suspension of Ms. Fields' educator certificate 176911 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
September 8, 2011