

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Robert J. Dantzler,	)	(BREACH OF CONTRACT)
	)	
Certificate 244428	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 8, 2012. On June 6, 2012, the South Carolina Department of Education (SCDE) sent Robert J. Dantzler a notice via personal service by the Orangeburg County Sheriff's Office of his right to a hearing regarding the possible suspension of his South Carolina educator certificate regarding his alleged breach of contract with the Allendale County School District. On June 15, 2012, Mr. Dantzler received the notice as evidenced by proof of service by the Orangeburg County Sheriff's Office. Mr. Dantzler did not request a hearing in this matter and is in default.

After considering the evidence presented, the State Board voted to suspend Mr. Dantzler's educator certificate for a period of one year, commencing August 8, 2012, and ending August 7, 2013.

FINDINGS OF FACT

This case concerns a formal complaint by the Allendale County School District (District) seeking the suspension of the educator certificate of Robert J. Dantzler 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. Dantzler holds a valid South Carolina educator certificate and has two years of teaching experience. On August 22, 2011, Mr. Dantzler signed a Contractual Agreement with the Allendale County School District for a 2011-2012 school year teaching position.

On March 2, 2012, Mr. Dantzler sent a letter to Dr. McClain stating that due to an unforeseen issue, Mr. Dantzler would have to resign from his position effective March 9, 2012. On March 8, 2012, Dr. McClain responded to Mr. Dantzler in a letter advising Mr. Dantzler that, unless he was released from the contract by the Allendale County School Board of Trustees

(School Board), his contract was binding. Mr. Dantzler also received notice that any staff member who failed to report to work without proper release from their contract would be found in breach of contract. The letter further advised Mr. Dantzler that he was expected to report to work until the School Board met again. Mr. Dantzler failed to report to work.

On March 16, 2012, Dr. McClain sent another letter to Mr. Dantzler notifying him that on March 13, 2012, Dr. McClain made a recommendation to the School Board to report Mr. Dantzler to the SCDE for breach of contract. On March 16, 2012, Dr. McClain sent a letter to the SCDE which advised of Mr. Dantzler's breach of contract with the District.

On June 6, 2012, the South Carolina Department of Education (SCDE) served Robert J. Dantzler notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate resulting from his alleged breach of contract with the Allendale County School District. On June 15, 2012, proof of service by the Orangeburg County Sheriff's Office confirmed effective personal service upon Mr. Dantzler.

After considering the evidence presented, the State Board voted to suspend Mr. Dantzler's educator certificate for a period of one year, commencing August 8, 2012 and ending August 7, 2013.

CONCLUSIONS OF LAW

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." 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. 2011), 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."

With respect to breach of contract, "any teacher who fails to comply with the provisions of his [of her] contract without written consent of the school board shall be deemed guilty of unprofessional conduct." S.C. Code Ann. § 59-25-530 (2004). "Upon the formal complaint of the school board, substantiated by conclusive evidence, the state board shall suspend or revoke the teacher's certificate, for a period not to exceed one calendar year." *Id.*

The State Board finds that the evidence presented demonstrates that Mr. Dantzler breached his contract and engaged in unprofessional conduct, willfully neglected his duty, and failed to comply with the provision of his contract without the written consent of the Allendale County Board of Education. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Robert J. Dantzler, certificate 244428, for a period of one year, commencing August 8, 2012, and ending August 7, 2013. If Mr. Dantzler 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, Recruitment, and Preparation, and shall meet all certification requirements in effect at the time he requests reinstatement. Mr. Dantzler shall also pay all applicable reinstatement fees. The suspension of Mr. Dantzler's educator certificate 244428 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within 30 days from the date of this order with the reason stated as "unprofessional conduct, 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: David Blackmon, PhD, Chair-Elect

Columbia, South Carolina

August 8, 2012