

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Ethelee Olafimi Finley,	)	(BREACH OF CONTRACT)
	)	
<u>Certificate 248530</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 14, 2012. On January 9, 2012, the South Carolina Department of Education (SCDE) sent Ethelee Olafimi Finley 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 January 12, 2012, Ms. Finley received the notice as evidenced by a domestic return receipt bearing her name. Ms. Finley did not contact the SCDE to request a hearing within the allowed timeframe and is in default.

After considering the evidence presented, the State Board voted to suspend Ms. Finley's educator certificate for a period of one year, commencing on March 14, 2012, and ending on March 13, 2013.

FINDINGS OF FACT

This case concerns a formal complaint by the Richland County School District One (District) seeking the suspension of the educator certificate of Ethelee Olafimi Finley 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. Finley holds a valid South Carolina educator certificate and has one and one-half years of teaching experience. On April 25, 2011, Ms. Finley signed a Contractual Agreement with the District for the 2011-2012 school year to work as a special education teacher at Alcorn Middle School. On October 4, 2011, Ms. Finley sent a letter of resignation to the District stating that she was resigning from the District. On October 5, 2011, the District gave Ms. Finley written notice that the District could not release her from her contract until a suitable replacement was found. On October 14, 2011, Ms. Finley cleaned her classroom and left at the

end of the day. On October 17, 2011, Ms. Finley briefly returned to Alcorn Middle School to return her keys to the school security. On November 18, 2011, the District sent a certified letter to Ms. Finley giving her written notice that the District would notify the SCDE that Finley had abandoned her teaching position and would ask that the SCDE pursue breach of contract proceedings against Ms. Finley's educator certificate for wilfully failing to fulfill her obligations of her 2011-2012 employment contract.

On January 9, 2012, the SCDE sent Ms. Finley 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 January 12, 2012, Ms. Finley received the notice as evidenced by a domestic return receipt bearing her name. Ms. Finley did contact the SCDE to request a hearing within the allowed timeframe and is in default.

After considering the evidence presented, the State Board voted to suspend Ms. Finley's educator certificate for a period of one year, commencing on March 14, 2012, and ending on March 13, 2013.

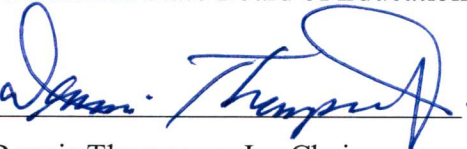
CONCLUSIONS OF LAW

"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 "wilful 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) (2011), the State Board of Education has the legal authority, *inter alia*, to suspend a certificate for "wilful 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. Finley 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 Richland School District One's Board of Education. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Ethelee Olafimi Finley, certificate 248530, for a period of one year, commencing on March 14, 2012, and ending on March 13, 2013. If Ms. Finley 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. Finley shall also pay all applicable reinstatement fees. The suspension of Ms. Finley's educator certificate 248530 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, wilful 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: 
Dennis Thompson, Jr., Chair

Columbia, South Carolina
March 14, 2012