

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Michelle Monica Detwiler,	)	(BREACH OF CONTRACT)
	)	
<u>Certificate 265638</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 12, 2014. On January 10, 2014, the South Carolina Department of Education (SCDE) sent Michelle Monica Detwiler 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 17, 2014, Ms. Detwiler received the notice as evidenced by a signed postal receipt bearing her signature. Ms. Detwiler did not request a hearing in this matter and is in default.

After considering the evidence presented, the State Board voted to suspend Ms. Detwiler's educator certificate for a period of one year, commencing on March 12, 2014, and ending on March 11, 2015.

FINDINGS OF FACT

This case concerns a formal complaint by the Greenville County School District (District) seeking the suspension of the educator certificate of Michelle Monica Detwiler for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (Rev. 2004) and S.C. Code Ann § 59-25-530 (Rev. 2004).

Ms. Detwiler holds a valid South Carolina educator certificate and has over six years of teaching experience. On July 9, 2013, Ms. Detwiler signed a Contractual Agreement with the District for the 2013-2014 school year to work as an English instructor at Blue Ridge High School. On October 28, 2013, Ms. Detwiler sent a letter of resignation via email to the District stating that she was resigning from the District effective October 29, 2013. Ms. Detwiler apologized for the short notice, but stated she felt this was in the best interest of her family.

On October 29, 2013, the District sent Ms. Detwiler written notice that she was not being released from her contractual obligation because her request for resignation did not meet the guidelines in Board Policy GBO. Board Policy GBO provides that after July 1 of the current school year, a release from contractual obligations will be approved by the Superintendent only for reasons of sickness, change of spouse's residence out of the district, maternity, or other exceptional circumstances, and that no employee will be released until a satisfactory replacement has been obtained or the Superintendent determines that no replacement is necessary. The District also informed Ms. Detwiler that a formal complaint may be filed with the State Board requesting disciplinary action of her certificate.

On November 26, 2013, the District Board of Trustees voted to recommend the suspension of Ms. Detwiler's teaching credential for breach of contract. On December 16, 2013, the District reported this matter to the State Board.

On January 10, 2014, the SCDE sent Ms. Detwiler 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 17, 2014, Ms. Detwiler received the notice as evidenced by a signed, postal receipt signed by Michelle Detwiler. Ms. Detwiler did not request a hearing in this matter and is in default.

After considering the evidence presented, the State Board finds that the evidence presented demonstrates that Ms. Detwiler breached her contract with the District, and that just cause exists to suspend Ms. Detwiler's educator certificate for a period of one year, commencing on March 12, 2014, and ending on March 11, 2015.

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 (Rev. 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) (Rev. 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. Detwiler breached her contract and

engaged in unprofessional conduct, wilfully neglected her duty, and failed to comply with the provisions of her contract without the written consent of the Greenville County School District. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Michelle Monica Detwiler, certificate 265638, for a period of one year, commencing on March 12, 2014, and ending on March 11, 2015. If Ms. Detwiler 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 Services, and shall meet all certification requirements in effect at the time she requests reinstatement. Ms. Detwiler shall also pay the applicable reinstatement fee. The suspension of Ms. Detwiler's educator certificate 265638 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: 

Barry F. Bolen, Chair

Columbia, South Carolina
March 12, 2014