

## BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

|                                 |   |                             |
|---------------------------------|---|-----------------------------|
| In the Matter of the Suspension | ) |                             |
|                                 | ) |                             |
| of the Educator Certificate of  | ) | <b>ORDER OF SUSPENSION</b>  |
|                                 | ) |                             |
| Vanessa D. Senior,              | ) | <b>(BREACH OF CONTRACT)</b> |
|                                 | ) |                             |
| Educator Certificate #206862    | ) |                             |
| _____                           | ) |                             |

### SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 11, 2015. On September 24, 2015, the South Carolina Department of Education (SCDE) notified Vanessa D. Senior of her right to a hearing regarding the possible suspension of her South Carolina Educator Certificate. Ms. Senior received the notice on October 11, 2014, as evidenced by her signature on the return receipt. Ms. Senior subsequently contacted the SCDE and requested a hearing. On January 14, 2015, a hearing was held concerning Ms. Senior's alleged Breach of Contract with the Allendale County School District.

After considering the evidence presented, the State Board hereby voted to suspend Ms. Senior's educator certificate for a period of approximately six (6) calendar months, commencing on March 1, 2015, and ending on August 31, 2015.

### FINDINGS OF FACT

This case concerns a formal complaint by the Allendale County School District (District) seeking the suspension of the Educator Certificate of Vanessa D. Senior 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. Senior holds a valid South Carolina Educator Certificate and was employed by the District as a sixth grade teacher. She signed a contract with the District for the 2014-2015 school year on April 22, 2014. She also signed a "Contract Memo" on that date advising her of the

consequences of failing to report to work without being released from her employment contract by the Allendale County School Board of Trustees.

On May 28, 2014, Ms. Senior tendered her letter of resignation stating that June 6, 2014, would be her last day. Her letter stated that she was resigning due to hardship in that gas prices had increased and she was driving 50 miles to school each way. It further stated that she had been offered a position that was two miles from her home.

Ms. Senior signed a contract with Orangeburg District 5 in June 2014. On June 26, 2014, the Allendale County School Board of Trustees notified Ms. Senior via letter that her release would be granted pending the hiring of a suitable replacement. It further stated that if she failed to report to work without having been properly released, this would constitute a breach of contract and the District would take action on her teaching certificate. Ms. Senior did not report to work in the Allendale School District.

This District is located in a rural area and has a difficult time recruiting teachers. A replacement for Ms. Senior was not found until 4 weeks into the school year. As a last resort, the District hired an international, uncertified teacher unfamiliar with our language and customs. This teacher was hired through EPI, LLC, at a cost to the District of \$14,000 in addition to the salary of the teacher.

Ms. Senior alleged that she was experiencing extreme financial difficulties and could not afford the gas to drive back and forth from her home in Orangeburg to Allendale. However, she also acknowledged that she had been experiencing these financial problems since March 2013, but did not seek employment closer to home.

By letter dated September 3, 2014, Ms. Senior was notified that the Allendale County School Board of Trustees had voted to seek revocation of her teaching certificate. On September 25, 2014, the SCDE sent Ms. Senior 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. Ms. Senior received the notice on October 11, 2014, as evidenced by her signature on the return receipt. Ms. Senior contacted SCDE to request a hearing. On January 14, 2015, a hearing was held concerning Ms. Senior's alleged Breach of Contract with the Allendale County School District.

After considering the evidence presented at the January 14, 2015 hearing, the State Board finds that the evidence presented demonstrates that Ms. Senior breached her contract with the District and a suspension of her Educator Certificate is warranted. Further, Ms. Senior's conduct harmed the district in that the District was unable to attract a similarly qualified teacher to replace Ms. Senior and the District was forced to expend additional money above the salary of the teacher to retain a less desirable international teacher. Accordingly, the Board finds that just cause exists to suspend Ms. Senior's Educator Certificate for a period of six (6) calendar months, commencing on March 1, 2015, and ending on August 31, 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 (2004). Just cause includes, *inter alia*, "unprofessional conduct". S.C. Code Ann. § 59-25-160 (4) (2004).

S. C. Code Ann. §59-25-530 (2004) provides that a teacher who fails to comply with the provisions of his or her contract without the written consent of the school board is deemed guilty of unprofessional conduct and subject to suspension of the educator certificate for up to one calendar year.

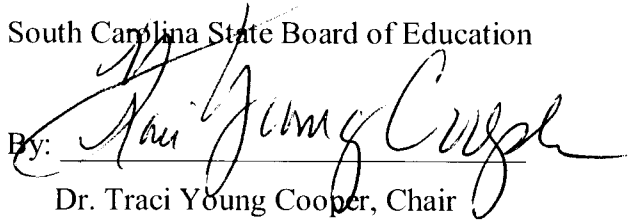
The State Board finds that the evidence presented demonstrates that Ms. Senior engaged in unprofessional conduct by failing to comply with the provisions of her contract without the written consent of the Allendale County School District. Accordingly, the evidence presented supports the State Board's determination that just cause exists to suspend the Educator Certificate of Vanessa D. Senior, Educator Certificate #206862, for a period of six (6) calendar months, commencing on March 1, 2015, and ending on August 31, 2015. If Ms. Senior 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. Senior shall also pay all applicable reinstatement fees. The suspension of Ms. Senior's Educator Certificate #206862 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty

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days from the date of this order with the reason stated as “unprofessional conduct for breach of contract 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: 

Dr. Traci Young Cooper, Chair

Columbia, South Carolina  
February 11, 2015