

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Kelly S. Reel,	)	(BREACH OF CONTRACT)
	)	
<u>Certificate 203352</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 10, 2015. On December 16, 2014 and February 3, 2015, the South Carolina Department of Education (SCDE) sent Kelly S. Reel notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, 203352, by regular and certified mail, return receipt requested. Ms. Reel received the notice as evidenced by a signed receipt bearing her signature. Ms. Reel did not contact the SCDE to request a hearing in this matter and is in default.

After considering the evidence presented, the State Board voted to suspend Ms. Reel's educator certificate for a period of one year, commencing on June 10, 2015, and ending on June 9, 2016.

FINDINGS OF FACT

This case concerns a formal complaint by the Greenville County School District (District) seeking the suspension of the educator certificate of Kelly Reel for unprofessional conduct as a result of her breach of contract with the District.

Ms. Reel holds an initial South Carolina educator certificate. On July 29, 2014, Ms. Reel signed a Contractual Agreement with the District for the 2014-2015 school year to work as a resource teacher at Wade Hampton High School (School). On October 6, 2014, Ms. Reel sent a

letter of resignation to the District stating that she was resigning from her position at the School, effective October 31, 2014; because this would be in the best interest of her family. On October 9, 2014, the District informed Ms. Reel that her resignation did not meet the guidelines provided in District Board Policy GBO and that the District would file a formal complaint with the State Board concerning her breach of contract. The District's policy on employee resignations and contract releases states that unless a teacher is formally released from his/her contract, the District expects the teacher to report for duty. Ms. Reel did not return to duty after October 31, 2014.

On October 28, 2014, the District's Board of Trustees voted to recommend the suspension of Ms. Reel's teaching credential for breach of contract. On November 17, 2014, the District informed the SCDE that the District Board of Trustees had voted to report the breach of contract to SCDE in order for action to be taken regarding Ms. Reel's South Carolina educator certificate. The District's policy on employee resignations and contract releases states that unless a teacher is formally released from his/her contract, the District expects the teacher to report for duty.

On December 16, 2014 and February 3, 2015, the SCDE sent Ms. Reel notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, 203352, by regular and certified mail, return receipt requested. Ms. Reel received the notice as evidenced by a signed receipt bearing her signature. Ms. Reel did not contact the SCDE to request a hearing in this matter and is in default.

After considering the evidence presented, the State Board voted to suspend Ms. Reel's educator certificate for a period of one year, commencing on June 10, 2015, and ending on June 9, 2016.

CONCLUSIONS OF LAW

The State Board of Education, upon careful review of the evidence presented, makes the following conclusions of law in this matter:

(1) The State Board of Education has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2004), which provides "The South Carolina Board of Education may, for just cause, revoke or suspend the certificate of any person," and S.C. Code Ann § 59-25-530 (2004), which provides, "Any teacher who fails to comply with the provisions of his contract without the written consent of the school board shall be deemed guilty of unprofessional conduct."

(2) Just cause is statutorily defined to include "unprofessional conduct," "willful neglect of duty," and "willful violation of the rules and regulations of the State Board of Education." S.C. Code Ann. § 59-25-160 (2004).

(3) 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 teaching 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."

(4) The evidence presented demonstrates that Ms. Reel engaged in unprofessional conduct by breaching her contract, willfully neglected her duty, and failing to comply with the provisions of her contract without the written consent of the District Board of Trustees.

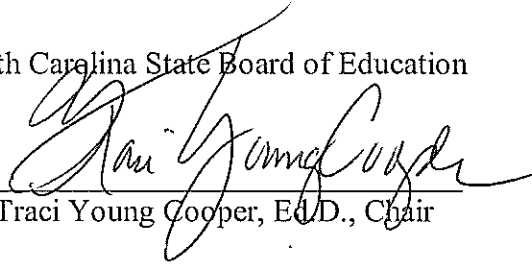
(5) The evidence presented supports the State Board's conclusion that just cause exists to suspend the educator certificate of Kelly S. Reel, certificate 203352, for a period of one year, commencing on June 10, 2015, and ending on June 9, 2016.

The suspension of certificate 203352 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order. If Ms. Reel wishes to have her educator certificate reinstated at the end of the suspension period, she must meet all current certification requirements and shall submit a written request to the SCDE's Office of Educator Services. Ms. Reel shall be responsible for the payment of all applicable fees, including any reinstatement fees.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By:


Traci Young Cooper, Ed.D., Chair

Columbia, South Carolina
June 10, 2015