

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Heather M. Ward,	)	(BREACH OF CONTRACT)
	)	
<u>Certificate 232228</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 12, 2016. On February 24, 2016, the South Carolina Department of Education (SCDE) sent Heather M. Ward 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. Ward received the notice on March 4, 2016, as evidenced by a signed postal receipt bearing her signature. She did not request a hearing in this matter and is now in default.

After considering the evidence presented, the State Board voted to suspend Ms. Ward's educator certificate for a period of one year, commencing on April 12, 2016, and ending on April 11, 2017.

FINDINGS OF FACT

This case concerns a formal complaint by the Florence Public School District One (District) recommending the suspension of the educator certificate of Heather M. Ward 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. Ward holds a valid South Carolina educator certificate and has over eight years of teaching experience. On March 25, 2015, Ms. Ward signed a Contractual Agreement with the District to serve as an art teacher at Southside Middle School for the 2015-2016 school year. Ms. Ward submitted a letter of resignation on November 2, 2015, effective November 24, 2015. On November 12, 2015, the Assistant Superintendent for Personnel Services informed Ms. Ward that her resignation did not meet the guidelines provided in Board Policy. The District informed

Ms. Ward that she would be in breach of her contract if she resigned at that time and she was advised that the breach of contract would be reported to SCDE.

On January 14, 2016, the District Board of Trustees found that Ms. Ward failed to comply with the provisions of her contract and that her behavior constituted a breach of contract with the District. On January 26, 2016, the District reported this matter to SCDE requesting that the State Board suspend Ms. Ward's educator certificate.

On February 24, 2016, the SCDE sent Ms. Ward 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. She received the notice on March 5, 2016, as evidenced by the signed postal receipt bearing her signature. Ms. Ward did not request a hearing in this matter and is in default.

After considering the evidence presented, the State Board voted to suspend Ms. Ward educator certificate for a period of one year, commencing on April 12, 2016, and ending on April 11, 2017.

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*, "willful violation of the rules and regulations of the State Board of Education" and "unprofessional conduct." S.C. Code Ann. § 59-25-160 (3) and (4) (Rev. 2004). Pursuant to S.C. Code Ann. § 59-25-530 (Rev. 2004), "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." 24 S.C. Code Ann. Regs. 43-58 (2) and (14) (2011), provides that 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. Ward 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 Florence Public School District One. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Heather M. Ward, certificate 232228, for a period of one year, commencing on April 12,

2016, and ending on April 11, 2017. If Ms. Ward 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. Ward shall also pay the applicable reinstatement fee. The suspension of Ms. Ward's educator certificate 232228 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: _____

Michael R. Brennan, Chair

Columbia, South Carolina

April 12, 2016