

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the	)	
	)	
Educator Certificate of	)	ORDER OF DISMISSAL
	)	
Sylvia M. Davis,	)	(BREACH OF CONTRACT)
	)	
Educator Certificate #252811	)	
_____	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 8, 2017. The South Carolina Department of Education (SCDE) notified Sylvia M. Davis (Davis) of her right to a hearing regarding the possible suspension of her South Carolina Educator Certificate by letter dated March 24, 2017, sent via certified and regular U.S. Mail. Davis timely requested a hearing. On June 7, 2017, a hearing was held concerning Davis' alleged Breach of Contract with the Williamsburg County School District (District).

After considering the evidence presented, the State Board hereby dismisses this action against Davis' educator certificate.

FINDINGS OF FACT

This case concerns a formal complaint by the District seeking the suspension of the Educator Certificate of Davis 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).

Davis holds a valid South Carolina Educator Certificate and was employed by the District as an English I, II and Honors teacher at C.E. Murray High School (School). She signed a contract with the District for the 2016-2017 school year on May 15, 2016.

On August 3, 2016, Davis advised the Principal at the School that she did not have the teacher's edition or student books to teach English I and did not have student books to teach English II. The Principal advised Ms. Davis that because of high debt the School was unable to purchase books until the debt was cleared. Following this meeting, Ms. Davis met and/or communicated with the Principal approximately eight times, regarding this same issue. During these communications, Davis also communicated that the issue was causing her stress and

affecting her health. Davis suffers from diabetes and is prone to ketoacidosis. Stress exacerbates this problem.

Davis was given a smart board and an outdated teacher manual that did not match the curriculum, along with alleged “other resources”, which could not be substantiated at the hearing. The School made an attempt to make copies of reading selections to be shared amongst all the English students. However, they were required to be retained at the end of each class, depriving the students of the benefit of taking the materials home to read and study. Davis advised the Principal she wanted to speak with Human Resources regarding this issue. The Principal advised Davis he wanted written confirmation of her health issues.

In November, 2016, a portion of Davis’ classroom ceiling collapsed due to heavy rains. Davis’ classes were moved to the gym and then later moved to a storage room, further disrupting the learning process for the students. Davis called in sick the day after being moved to the storage room, because of the stress from these issues and her health condition.

On December 7, 2016, Davis submitted her letter of resignation effective January 3, 2017. Davis met with Kenneth Burgess, (Burgess) the Director of Human Resources for the District, and indicated that her reasons for resigning were due to the lack of books and the class sizes.

On December 14, 2017, Burgess notified Davis that the School Board had not released her from her contract. On that same day, Davis was given a written reprimand for conduct during a parent/teacher conference and failure to follow district protocols in teaching the new curriculum. The reprimand was in response to the parent questioning Davis’ attendance during the meeting. On January 2, 2017, Davis responded to the Principal’s written reprimand, citing “lack of proper resources and working conditions”. Davis also met with Burgess on January 2, 2017, and reaffirmed her intention to resign.

After considering the evidence presented at the June 7, 2017, hearing and the hearing officer’s report and recommendation, the State Board finds that the evidence presented demonstrates that Davis did not breach her contract with the District and a suspension of her Educator Certificate is not warranted. Accordingly, the Board finds that just cause exists to dismiss this action.

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 Davis failed to comply with the provisions of her contract without the written consent of the District. However, the State Board further finds that the evidence presented demonstrates that the District’s actions and/or inactions contributed to Davis’ issues. Accordingly, the evidence presented supports the State Board’s determination to dismiss the action against Davis’ educator certificate #252811.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By:  _____
Dr. Ivan Randolph, Chair

Columbia, South Carolina
August 8, 2017