

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Lauren M. McClellan,	)	(BREACH OF CONTRACT)
	)	
<u>Certificate 229077</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 8, 2017. On May 25, 2017 the South Carolina Department of Education (SCDE) served Lauren M. McClellan 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. McClellan received this notice on June 3, 2017, as evidenced by the signed postal receipt bearing her signature. Ms. McClellan has not contacted the SCDE to request a hearing and is now in default. After considering the evidence presented, the State Board voted to suspend Ms. McClellan's educator certificate for a period of one year, commencing on August 8, 2017, and ending on August 7, 2018.

FINDINGS OF FACT

This case concerns a formal complaint by Anderson School District Five (District) recommending the suspension of the educator certificate of Lauren M. McClellan for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2016) and S.C. Code Ann § 59-25-530 (2016).

Ms. McClellan holds a professional South Carolina educator certificate and has over ten years of teaching experience. On April 20, 2016, Ms. McClellan signed a Contractual Agreement with the District to serve as a special education teacher at T.L. Hanna High School for the 2016-2017 school year. On April 17, 2017, Ms. McClellan submitted her resignation to the District effective May 1, 2017, and informed the district that she had accepted a position with TriCounty Technical College. On April 18, 2017, Mike Mahaffey, Assistant Superintendent for Human Resources, verbally informed Ms. McClellan verbally that her request was not in compliance with Board Policy GCQC/GCQD, Resignation of Instructional Staff/Administrative Staff and

was considered a breach of her contract. Mr. Mahaffey notified Ms. McClellan by letter on April 19, 2017, that she was not released from her contract and that the District expected her to perform her duties as a teacher through the conclusion of the school year. The letter also informed Ms. McClellan that if she failed to report to work after April 28, 2017, the District would report her breach of contract to the State Board of Education. Ms. McClellan failed to return to work per the directives in the April 19, 2017, letter from Mr. Mahaffey on April 28, 2017. On May 11, 2017, the District's Board of Trustees determined that Ms. McClellan had not been released from her contract in accordance with Board Policy GCQC/GCQD, Resignation of Instructional Staff/Administrative Staff and voted to submit this information to the State Board for disciplinary action. On May 18, 2017, the District reported this matter to SCDE, requesting that the State Board take disciplinary action on Ms. McClellan's educator certificate.

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 (2016). 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) (2016). Pursuant to S.C. Code Ann. § 59-25-530 (Rev. 2016), "any teacher who fails to comply with the provisions of her 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) (2016), provide 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. McClellan breached her contract and engaged in unprofessional conduct, willfully neglected her duty, and failed to comply with the provisions of her contract without the written consent of the District.

The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Lauren M. McClellan, certificate 229077, for a period of one year, commencing on August 8, 2017, and ending on August 7, 2018. If Ms. McClellan 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. McClellan shall also pay the applicable reinstatement fee. The suspension of Lauren M. McClellan's educator certificate 229077 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: 
Ivan Randolph, Ph.D., Chair

Columbia, South Carolina
August 8, 2017