

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Sheryl Annette Sabol,	)	(BREACH OF CONTRACT)
	)	
<u>Certificate 277102</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 14, 2017. On November 28, 2016, the South Carolina Department of Education (SCDE) served Sheryl Annette Sabol 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. Sabol received the notice on December 16, 2016, as evidenced by the signed postal receipt bearing her signature. Ms. Sabol 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. Sabol's educator certificate for a period of one year, commencing on February 14, 2017, and ending on February 13, 2018.

FINDINGS OF FACT

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

Ms. Sabol holds a professional South Carolina educator certificate effective July 1, 2015. She has over 12 years of teaching experience outside the state of South Carolina and one year teaching experience in the State of South Carolina. On April 15, 2016, Ms. Sabol signed a Contractual Agreement with the District to serve as a teacher at the Charleston County School of Arts, a countywide magnet school, for the 2016-2017 school year. On July 29, 2016, Ms. Sabol notified her principal that she was resigning from the District, effective immediately. The Director of Human Resources informed Ms. Sabol, in a letter dated August 3, 2016, that her request for release from her contract would be approved contingent on 30 days' notice which

would mean that her last work day would be Friday, August 26, 2016. The District also informed Ms. Sabol in the letter that the District expected her to continue to report for work until she had been released and that failure to do so would be considered a breach of her teacher contract. After receiving the District's correspondence, Ms. Sabol failed to report for work.

On October 24, 2016, the District Board of Trustees found that Ms. Sabol failed to comply with the provisions of her contract without the written consent of the District Board of Trustees and that her behavior constituted a breach of her employment contract with the District. The District voted to report Ms. Sabol's breach of contract to SCDE and the State Board. On November 3, 2016, the District reported this matter to SCDE, requesting that the State Board suspend Ms. Sabol'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 (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. 2016). Pursuant to S.C. Code Ann. § 59-25-530 (Rev. 2016), "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) (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. Sabol 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 Sheryl Annette Sabol, certificate 277102, for a period of one year, commencing on February 14, 2017, and ending on February 13, 2018. If Ms. Sabol 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. Sabol shall also

pay the applicable reinstatement fee. The suspension of Sheryl Annette Sabol, educator certificate 279994, 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

February 14, 2017