

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Deanne G. Barnes,	)	(BREACH OF CONTRACT)
	)	
<u>Certificate 159585</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on January 10, 2017. On November 1, 2016, the South Carolina Department of Education (SCDE) served Deanne G. Barnes 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. Barnes received the notice on November 3, 2016, as evidenced by the signed postal receipt bearing her signature. On November 11, 2016, Ms. Barnes sent correspondence to SCDE providing an explanation of her reasons for resigning her position and informing SCDE that she did not wish to request a hearing in this matter. On December 7, 2016, Ms. Barnes confirmed to the SCDE Office of General Counsel that she did not want a hearing in this matter. After considering the evidence presented, the State Board voted to suspend Ms. Barnes' educator certificate for a period of one year, commencing on January 10, 2017, and ending on January 9, 2018.

FINDINGS OF FACT

This case concerns a formal complaint by the Greenville County School District (District) recommending the suspension of the educator certificate of Deanne G. Barnes 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. Barnes holds a South Carolina educator certificate and has over eleven years of teaching experience. On April 22, 2016, Ms. Barnes signed a Contractual Agreement with the District to serve as a Pre-K special education teacher at Riley Child Development Center for the 2016-2017 school year. On September 26, 2016, Ms. Barnes notified her assistant principal that she was resigning from the District, effective immediately. The Director of Professional

Employment informed Ms. Barnes, in a letter dated September 27, 2016, that she had engaged in unprofessional conduct by failing to comply with the provisions of her contract without having been duly released from her contract. The District also informed Ms. Barnes that her resignation failed to comply with District policy GBO, and that a formal complaint would be filed with the State Board.

On October 25, 2016, the District Board of Trustees found that Ms. Barnes 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 and that her breach of contract would be reported to SCDE and the State Board. On October 28, 2016, the District reported this matter to SCDE, requesting that the State Board suspend Ms. Barnes' educator certificate.

On November 1, 2016, the SCDE served Ms. Barnes with 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. Barnes received the notice on November 3, 2016, as evidenced by the signed postal receipt bearing her signature. On November 11, 2016, Ms. Barnes sent correspondence to SCDE providing an explanation of her reasons for resigning her position and informing SCDE that she did not wish to request a hearing in this matter. On December 7, 2016, Ms. Barnes confirmed to the SCDE Office of General Counsel that she did not want a hearing in this matter. The SCDE Office of General Counsel informed SCDE that her case would be presented to the State Board at the January 10, 2017 meeting. After considering the evidence presented, the State Board voted to suspend Ms. Barnes' educator certificate for a period of one year, commencing on January 10, 2017, and ending on January 9, 2018.

CONCLUSIONS OF LAW

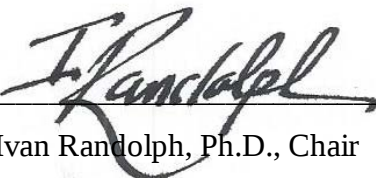
"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (Rev. 2016). Just cause includes, *inter alia*, "willful violation of the rules and regulations of the State Board of Education" and "unprofessional conduct." S.C. Code Ann. § 59-25-160 (3) and (4) (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. Barnes 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 Deanne G. Barnes, certificate 159585, for a period of one year, commencing on January 10, 2017, and ending on January 9, 2018. If Ms. Barnes 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. Barnes shall also pay the applicable reinstatement fee. The suspension of Deanne G. Barnes, educator certificate 159585, shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within ten 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
January 10, 2017