

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Brenda Campbell Fisher,	)	(BREACH OF CONTRACT)
	)	
<u>Certificate 270773</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on January 10, 2017. On November 28, 2016, the South Carolina Department of Education (SCDE) served Brenda Campbell Fisher 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. Fisher contacted the SCDE Office of General Counsel on December 7, 2016, verified that she had received the notice and stated she would not request a hearing in this matter. After considering the evidence presented, the State Board voted to suspend Ms. Fisher's 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 Charleston County School District (District) recommending the suspension of the educator certificate of Brenda Campbell Fisher 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. Fisher holds a South Carolina educator certificate and has eight years of teaching experience. On August 1, 2016, Ms. Fisher signed a Contractual Agreement with the District to serve as a teacher at Sanders-Clyde Elementary School for the 2016-2017 school year. On August 16, 2016, Ms. Fisher notified her principal that she was resigning from the District, effective immediately. The Director of Human Resources informed Ms. Fisher, in a letter dated August 16, 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, and her resignation failed to comply with District Policy GCQC – Resignation of Teachers.

On October 24, 2016, the District Board of Trustees found that Ms. Fisher 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 would be reported to SCDE and the State Board. On November 3, 2016, the District reported this matter to SCDE, requesting that the State Board suspend Ms. Fisher's educator certificate.

CONCLUSIONS OF LAW

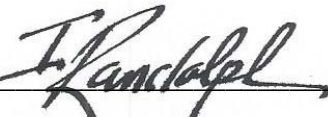
"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (Rev. 2016). Just cause includes, *inter alia*, "willful violation of the rules and regulations of the State Board of Education" and "unprofessional conduct." S.C. Code 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. Fisher 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 Brenda Campbell Fisher, certificate 270773, for a period of one year, commencing on January 10, 2017, and ending on January 9, 2018. If Ms. Fisher 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. Fisher shall also pay the applicable reinstatement fee. The suspension of Brenda Campbell Fisher, educator certificate 270773, shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

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AND IT IS SO ORDERED.

South Carolina State Board of Education

By: 
Ivan Randolph, Ph.D., Chair

Columbia, South Carolina
January 10, 2017