

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of)
)
Shawan T. Smalls,)
)
Certificate 221448)

ORDER OF SUSPENSION

(BREACH OF CONTRACT)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on May 9, 2017. On January 10, February 24, and March 21, 2017, the South Carolina Department of Education (SCDE) served Shawan T. Smalls 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. Furthermore, notice was sent to Ms. Smalls via electronic mail with delivery and read receipt confirmations. SCDE has verified Ms. Smalls' address and the letters sent via regular mail have not been returned. Ms. Smalls declined to sign for the notice letters sent by certified mail, return receipt requested, delivery restricted to addressee. Under the South Carolina Rules of Civil Procedure 5(b), Ms. Smalls has been given fair notice of constitutional due process. Ms. Smalls 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. Smalls' educator certificate for a period of one year, commencing on May 9, 2017, and ending on May 8, 2018.

FINDINGS OF FACT

This case concerns a formal complaint by the Lexington County School District Two (District) recommending the suspension of the educator certificate of Shawan T. Smalls 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. Smalls holds a professional South Carolina educator certificate and has over six years of teaching experience. Ms. Smalls signed a Contractual Agreement with the District to serve as a teacher for the 2016-2017 school year on August 4, 2016. On September 21, 2016, Ms. Williams submitted her resignation from her position as a fourth grade teacher at Herbert A. Wood Elementary School to the District, requesting that she be released from her contract as of September 23, 2016, as she had accepted a position in Atlanta, Georgia. On September 26, 2016,

the District informed Ms. Smalls that District policy required she remain until a suitable replacement was found. The District further informed her that because she had only given one day notice, her failure to report to work would be considered a breach of contract which could put her teaching certificate at risk. Ms. Smalls failed to report to work. On November 18, 2016, the District reported Ms. Smalls' breach of contract to SCDE and requested that the State Board take disciplinary action on Ms. Smalls' 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) (Supp. 2016). Pursuant to S.C. Code Ann. § 59-25-530 (2004), "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. Smalls breached her contract, engaged in unprofessional conduct, and failed to comply with the provisions of her contract without the consent of the District.

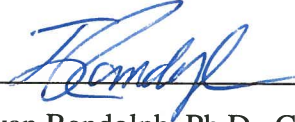
The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Shawan T. Smalls, certificate 221448, for a period of one year, commencing on May 9, 2017, and ending on May 8, 2018. If Ms. Smalls wishes to have her educator certificate 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. Smalls shall also pay the applicable reinstatement fee. The suspension of Shawan T. Smalls' educator certificate 221448 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

(Signature page attached)

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AND IT IS SO ORDERED.

South Carolina State Board of Education

By: _____
Ivan Randolph, Ph.D., Chair

Columbia, South Carolina
May 9, 2017