

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of)
)
Danielle Fox,)
)
Certificate 276168)
_____)

ORDER OF SUSPENSION

(BREACH OF CONTRACT)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on November 14, 2017. On May 31, 2017, June 6, 2017, and August 10, 2017, the South Carolina Department of Education (SCDE) sent Danielle Fox a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate regarding her alleged breach of contract with the Greenville County School District. On August 16, 2017, Ms. Fox received the notice as evidenced by proof of service by a certified mail receipt from the U.S. Postal Service. Ms. Fox did not request a hearing in this matter and is in default.

After considering the evidence presented, the State Board voted to suspend Ms. Fox's educator certificate for a period of one year, commencing November 14, 2017, and ending November 13, 2018.

FINDINGS OF FACT

This case concerns a formal complaint by the Greenville County School District (District) seeking the suspension of the educator certificate of Danielle Fox for breach of contract. The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2004) and S.C. Code Ann. § 59-25-530 (2004).

Ms. Fox holds a valid South Carolina educator certificate and has one year of teaching experience. On April 18, 2016, Ms. Fox signed a Contractual Agreement with the Greenville County School District for a 2016-2017 school year teaching position.

On April 18, 2017, Ms. Fox sent a letter to Dr. Royster stating that due to a job offer in another field, Ms. Fox would have to resign from her position, effective April 21, 2017. On May 15, 2017, Ms. Margaret H. Spivey, Director of Professional Employment with the District, responded to Ms. Fox in a letter advising Ms. Fox that, unless she was released from the contract

by the Greenville County School Board of Trustees (School Board), her contract was binding. Ms. Fox also received notice that any staff member who failed to report to work without proper release from their contract would be found in breach of contract. On May 25, 2017, Lynn P. Gibbs, Executive Director of Human Resources with the District, sent a letter to the SCDE which advised of Ms. Fox's breach of contract with the District.

After considering the evidence presented, the State Board voted to suspend Ms. Fox's educator certificate for a period of one year, commencing November 14, 2017 and ending November 13, 2017.

CONCLUSIONS OF LAW

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." Just cause includes, *inter alia*, "unprofessional conduct" and "willful violation of the rules and regulations of the State Board of Education." S.C. Code Ann. § 59-25-160 (3) and (4) (2004). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (Supp. 2011), the State Board of Education has the legal authority, *inter alia*, to suspend a certificate for "willful neglect of duty" and "failure to comply with the provisions of a contract without the written consent of the local school board."

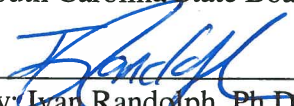
With respect to breach of contract, "any teacher who fails to comply with the provisions of his [of her] contract without written consent of the school board shall be deemed guilty of unprofessional conduct." S.C. Code Ann. § 59-25-530 (2004). "Upon the formal complaint of the school board, substantiated by conclusive evidence, the state board shall suspend or revoke the teacher's certificate, for a period not to exceed one calendar year." *Id.*

The State Board finds that the evidence presented demonstrates that Ms. Fox breached her contract and engaged in unprofessional conduct, willfully neglected her duty, and failed to comply with the provision of her contract without the written consent of the Greenville County Board of Education. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Danielle Fox, certificate 276168, for a period of one year, commencing November 14, 2017, and ending November 13, 2018. If Ms. Fox 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 Certification, Recruitment, and

Preparation, and shall meet all certification requirements in effect at the time she requests reinstatement. Ms. Fox shall also pay all applicable reinstatement fees. The suspension of Ms. Fox's educator certificate 276168 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within 30 days from the date of this order with the reason stated as "unprofessional conduct, breach of contract, willful neglect of duty, and failure to comply with the provisions of a contract without the written consent of the local school board."

AND IT IS SO ORDERED.

South Carolina State Board of Education


By: Ivan Randolph, Ph.D., Chair

Columbia, South Carolina
November 14, 2017