

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	CONSENT ORDER OF SUSPENSION
	)	
Casey Gale Kilareski,	)	(BREACH OF CONTRACT)
	)	
<u>Certificate 256396</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on November 14, 2017. On August 9, 2017, the South Carolina Department of Education (SCDE) served Casey Gale Kilareski 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. On August 16, 2017, after receiving the notice, Ms. Kilareski contacted the SCDE to discuss an alternate resolution of this matter. Ms. Kilareski is currently living out of state and has agreed to waive her right to a hearing and consents to a one year suspension of her educator certificate.

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

FINDINGS OF FACT

This case concerns a formal complaint by the Fairfield County School District (District) recommending the suspension of the educator certificate of Casey Gale Kilareski for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (Rev. 2004) and S.C. Code Ann § 59-25-530 (Rev. 2004).

Ms. Kilareski holds a South Carolina educator certificate and has over two years of teaching experience. On April 13, 2016, Ms. Kilareski signed a Contractual Agreement with the District to serve as a teacher for the 2016-2017 school year. On September 26, 2016, Ms. Kilareski sent a letter to the District via email stating that she was resigning from her position as an eighth grade teacher with Fairfield Middle School, effective September 26, 2016. Ms. Kilareski indicated she would not be returning to work when her maternity leave ended on November 7, 2016, due to her decision to accept employment elsewhere.

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On November 4, 2016, the District informed Ms. Kilareski that she was not duly released from her contract. Ms. Kilareski was informed that her resignation must be submitted and reviewed pursuant to District policy GCQC/GCQD (Resignation of Instructional Staff/Administrative Staff). The policy noted that the District board had to approve all contract releases. The District also informed Ms. Kilareski that she was expected to perform her duties until she was released from the contract by the District. If Ms. Kilareski failed to perform her duties, the District informed her that such a breach of contract would be reported to the SCDE.

Ms. Kilareski did not return to her teaching position. On November 15, 2016, the Board of Trustees of the Fairfield County School District took official action to approve the reporting of her breach of contract to the State Board of Education. On July 26, 2017, the District reported this matter to SCDE, requesting that the State Board take disciplinary action on Ms. Kilareski's educator certificate.

After considering the evidence presented, the State Board finds that the evidence presented demonstrates that Ms. Kilareski breached her contract with the District, and that just cause exists to suspend Ms. Kilareski's certificate for a period of one year, commencing on November 14, 2017, and ending on November 13, 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. 2004). Just cause includes, *inter alia*, "unprofessional conduct" and "wilful violation of the rules and regulations of the State Board of Education." S.C. Code Ann. § 59-25-160 (3) and (4) (Rev. 2004). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2011), 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. Kilareski breached her contract with the District and failed to comply with the provisions of her contract without the written consent of the District board.. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Casey Gale

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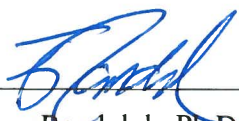
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Kilareski for a period of one year, commencing on November 14, 2017, and ending on November 13, 2018.

If Ms. Kilareski 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. Kilareski shall also pay the applicable reinstatement fee. The suspension of Ms. Kilareski's educator certificate 256396 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
November 14, 2017

I, Casey Gale Kilareski, SC Educator Certificate 256396, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator certificate holders and that I have waived my right to a hearing in this matter. I agree that during the period of suspension, I will not seek employment or be employed as an educator, paraprofessional, aide, substitute teacher, coach or in any other paid position in a public school in the State of South Carolina. I understand the terms set forth in this Consent Order of Suspension are not subject to reconsideration, collateral attack or judicial review. I agree to the terms of this Consent Order of Suspension, consisting of three pages, and understand that this Order will be presented to the State Board for approval on November 14, 2017.


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