

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of)
)
Patrick Dale Preacher,)
)
Certificate 247560)
_____)

ORDER OF SUSPENSION
(BREACH OF CONTRACT)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 10, 2018. On January 20, 2018, and March 2, 2018, the South Carolina Department of Education (SCDE) sent Patrick Dale Preacher a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate regarding her alleged breach of contract with the Greenville County District (District). Mr. Preacher received the certified mail on or before March 9, 2018, as evidenced by the signed postal receipt. Mr. Preacher 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 Mr. Preacher' educator certificate for a period of one year, commencing on April 10, 2018, and ending on April 9, 2019.

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FINDINGS OF FACT

This case concerns a formal complaint by the District seeking the suspension of the educator certificate of Patrick Dale Preacher for breach of contract. The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2017) and S.C. Code Ann. § 59-25-530 (2017).

On April 28, 2017, Mr. Preacher signed a Continuing Contract with the District for the 2017-2018 school year agreeing to serve as a teacher at the Riley Child Development Center (School).

On November 30, 2017, Mr. Preacher resigned from his teaching position, effective December 20, 2017. On December 13, 2017, the District notified Mr. Preacher that he was not in compliance with Policy GBO – Classification of Employees: Resignation, that his separation was deemed a breach of contract and that the matter would be presented to the District Board of Trustees. On January 23, 2018, the Board of Trustees voted to approve the reporting of Mr. Preacher for breach of contract to the SCDE. On February 13, 2018, the District reported the breach of contract to the SCDE.

After considering the evidence presented, the State Board voted to suspend Mr. Preacher's educator certificate for a period of one year, commencing April 10, 2018, and ending on April 9, 2019.

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) (2017). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (Supp. 2017), 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 (2017). "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 Mr. Preacher breached his contract and engaged in unprofessional conduct, willfully neglected his duty, and failed to comply with the provision of his contract without the written consent of the Greenville County Board of Trustees. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Patrick Dale Preacher, certificate 247560, for a period of one year, commencing April 10, 2018, and ending on April 9,

2019. If Mr. Preacher wishes to have his educator certificate reinstated at the end of the suspension period, he shall make a written request to the SCDE's Office of Educator Services and shall meet all certification requirements in effect at the time he requests reinstatement. Mr. Preacher shall also pay all applicable reinstatement fees. The suspension of Mr. Preacher's educator certificate 247560 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: 
Sharon Wall, Ed.D., Chair

Columbia, South Carolina
April 10, 2018