

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Paula Jean McClure,	)	(BREACH OF CONTRACT)
	)	
Certificate 235792	)	
_____	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 14, 2018. On April 9, 2018, the South Carolina Department of Education (SCDE) sent Paula Jean McClure 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 Anderson County Alternative School District (District). Ms. McClure received the certified mail on May 7, 2018, as evidenced by the signed postal receipt. Ms. McClure 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. McClure's educator certificate for a period of one year, commencing August 14, 2018, and ending on August 13, 2019.

FINDINGS OF FACT

This case concerns a formal complaint by the Anderson County Alternative School District recommending the suspension of the educator certificate of Paula Jean McClure 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 June 1, 2017, Ms. McClure signed a Continuing Contract with the District for the 2017-2018 school year, agreeing to serve as a Middle School English teacher (School). On January 30, 2018, Ms. McClure resigned from her teaching position effective February 9, 2018. On February 2, 2018, the District informed Ms. McClure that her resignation was not approved by the Director and that she was not in compliance with Board Policy GBO: Professional Personnel Resignation. On March 26, 2018, the District Board of Trustees took official action to approve the reporting of Ms. McClure's breach of contract to the State Board of Education. On

April 25, 2018, the District reported this matter to the SCDE, requesting that the State Board take disciplinary action on Ms. McClure's educator certificate.

After considering the evidence presented, the State Board voted to suspend Ms. McClure's educator certificate for a period of one year, commencing August 14, 2018, and ending on August 13, 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 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 Ms. McClure breached her contract and engaged in unprofessional conduct, willfully neglected her duty, and failed to comply with the provision of her contract without the consent of the Director. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Paula Jean McClure, certificate 235792, for a period of one year, commencing August 14, 2018, and ending on August 13, 2019. If Ms. McClure 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. McClure shall also pay all applicable reinstatement fees. The suspension of Ms. McClure's educator certificate 235792 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within

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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
August 14, 2018