

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Pamela Ann Hills,	)	(BREACH OF CONTRACT)
	)	
Certificate 273196	)	
_____	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 13, 2018. On December 5, 2017, the South Carolina Department of Education (SCDE) sent Pamela Ann Hills 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 Marion County School District. SCDE has verified Ms. Hills' address and the letters sent via regular mail have not been returned. Ms. Hills declined to sign for the notice letters sent by certified mail, return receipt requested, delivery restricted to addressee. On January 12, 2018, the SCDE informed Ms. Hills via regular and certified mail that the State Board would meet on February 13, 2018, to consider the circumstances surrounding her breach of contract. The certified letter was returned unclaimed and the regular mail has not been returned. Under the South Carolina Rules of Civil Procedure 5(b), Ms. Hills has been given fair notice of constitutional due process. Ms. Hills 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. Hills' educator certificate for a period of one year, commencing on March 13, 2018, and ending on March 12, 2019.

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FINDINGS OF FACT

This case concerns a formal complaint by the Marion County School District (District) seeking the suspension of the educator certificate of Pamela Ann Hills 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).

On August 7, 2017, Ms. Hills signed an Induction Contract with the District for a 2017-2018 school year teaching position at North Mullins High School. On October 4, 2017, Ms. Hills sent a letter to the District stating that due to lack of support from her school and a health issue, she was resigning from her position, effective October 4, 2017. On October 11, 2017, the District office acknowledged receipt of Ms. Hills's resignation. On November 8, 2017, the District notified Ms. Hills that the Board had not approved her resignation and that her separation was deemed a breach of contract. On November 9, 2017, the District reported the breach of contract to the SCDE.

After considering the evidence presented, the State Board voted to suspend Ms. Hills's educator certificate for a period of one year, commencing March 13, 2018, and ending March 12, 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) (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."

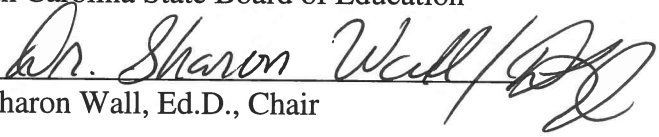
With respect to breach of contract, "any teacher who fails to comply with the provisions of his [of her] contract without written consent of the school board shall be deemed guilty of unprofessional conduct." S.C. Code Ann. § 59-25-530 (2004). "Upon the formal complaint of the school board, substantiated 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. Hills 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 Marion County

Board of Education. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Pamela Ann Hills, certificate 273196, for a period of one year, commencing March 13, 2018, and ending March 12, 2019. If Ms. Hills 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. Hills shall also pay all applicable reinstatement fees. The suspension of Ms. Hills's educator certificate 273196 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
March 13, 2018