

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of

Mary Hagen Carmichael

Educator Certificate #269712

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ORDER OF SUSPENSION

(BREACH OF CONTRACT)

SUMMARY OF THE CASE

The South Carolina State Board of Education ("State Board") considered this matter on October 9, 2018. The South Carolina Department of Education ("SCDE") notified Mary Hagen Carmichael, (Carmichael) of her right to a hearing regarding the possible suspension of her South Carolina Educator Certificate by letter dated February 21, 2018, sent via certified and regular U.S. Mail. Carmichael timely requested a hearing. On July 30, 2018, a hearing was held concerning Carmichael's alleged Breach of Contract with the Chester County School District (District).

After considering the evidence presented, the State Board hereby voted to suspend Carmichael's educator certificate for a period of one calendar year, commencing on September 11, 2018, and ending on September 10, 2019.

FINDINGS OF FACT

This case concerns a formal complaint by the District seeking the suspension of the Educator Certificate of Carmichael 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).

Carmichael holds a valid South Carolina Educator Certificate and was employed by the District as a sixth grade English Language Arts ("ELA") teacher at Lewisville Middle School (School). She signed a contract with the District for the 2017-2018 school year on March 23, 2017.

On December 5, 2017, Carmichael sent a letter to the District indicating that she was resigning her teaching position effective January 4, 2018. Her stated reasons for leaving were that she was "not the best fit for this school" and was "unable to be the type of teacher this school needs". Her resignation was tendered sixteen days before Christmas break and thirty days

before her stated last day. However, Carmichael did not honor the dates in her resignation in that she did not return after December 19, 2017, coding the remaining days as sick leave. Carmichael was informed of the consequences of her actions by both the District Superintendent and the District's Chief Human Resource Officer. Although Carmichael alleged that certain actions of administration caused her to leave during the contract period, none of the actions alleged, even if found to be true, were sufficient to impair her ability to complete her contract. Notably these allegations were not made prior to her resignation or in her resignation letter.

The District's policy states that it is within the sole discretion of the District Superintendent to release a teacher or other professional from his/her contract. The individual must submit a written request for release from his/her contract at least forty-five days prior to the desired release date and must report for duty until he/she has received a formal release.

On January 22, 2018, the Chester County School Board voted to report Carmichael's breach of contract to SCDE. This was done via letter dated February 12, 2018. The District utilized a substitute to cover Carmichael's classes until mid-January 2018, at which time they were able to obtain a retired teacher to fill the position until the end of the year. Thus, Carmichael's students had three ELA teachers in one school year.

After considering the evidence presented at the July 30, 2018 hearing and the Hearing Officer's Report and Recommendation, the State Board finds that the evidence presented demonstrates that Carmichael breached her contract with the District and a suspension of her Educator Certificate is warranted. Accordingly, the Board finds that just cause exists to suspend Carmichael's Educator Certificate for a period of one calendar year, commencing on September 11, 2018 and ending on September 10, 2019.

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 (2004). Just cause includes, *inter alia*, "unprofessional conduct". S.C. Code Ann. § 59-25-160 (4) (2004).

S. C. Code Ann. §59-25-530 (2004) provides that a teacher who fails to comply with the provisions of his or her contract without the written consent of the school board is deemed guilty

of unprofessional conduct and subject to suspension of the educator certificate for up to one calendar year.

The State Board finds that the evidence presented demonstrates that Carmichael engaged in unprofessional conduct by failing to comply with the provisions of her contract without the written consent of the District. The State Board further finds that the District properly notified Carmichael of the consequences of her resignation. Accordingly, the evidence presented supports the State Board's determination that just cause exists to suspend the Educator Certificate of Mary Hagen Carmichael, Educator Certificate #269712, for a period of one (1) calendar year, commencing on September 11, 2018, and ending on September 10, 2019. If Carmichael 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. Carmichael shall also pay all applicable reinstatement fees. The suspension of Carmichael's Educator Certificate #269712 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty (30) days from the date of this order with the reason stated as "unprofessional conduct for breach of contract 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

Sharon Wall, Ed.D., Chair

Columbia, South Carolina
October 9, 2018