

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of	)	
	)	ORDER OF SUSPENSION
Darryl F. Gillard	)	
	)	(BREACH OF CONTRACT)
Educator Certificate #280310	)	
	)	
_____	)	

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 Darry F. Gillard, (Gillard) of his right to a hearing regarding the possible suspension of his South Carolina Educator Certificate by letter dated April 25, 2018, sent via certified and regular U.S. Mail. Gillard timely requested a hearing. On August 2, 2018, a hearing was held concerning Gillard's alleged Breach of Contract with the Marion County School District Ten (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 Gillard 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).

Gillard holds a valid South Carolina Educator Certificate and was employed by the District as a third grade teacher at Marion Intermediate School (School). He signed a contract with the District for the 2017-2018 school year. Mr. Gillard submitted his resignation on March 19, 2018, to be effective April 11, 2018. His stated reason for leaving was that another employment opportunity was being offered that he believed would help his family become more financially stable.

On March 20, 2018, the District Board voted to report Gillard's breach of contract to SCDE. This was done via letter dated April 18, 2018. After considering the evidence presented at the August 2, 2018 hearing and the Hearing Officer's Report and Recommendation, the State Board finds that the evidence presented demonstrates that Gillard breached his contract with the District and a suspension of his 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 Gillard engaged in unprofessional conduct by failing to comply with the provisions of his contract without the written consent of the District. The State Board further finds that the District properly notified Gillard of the consequences of his resignation. Accordingly, the evidence presented supports the State Board's determination that just cause exists to suspend the Educator Certificate of Darryl F. Gillard, Educator Certificate #280310, for a period of one (1) calendar year, commencing on September 11, 2018, and ending on September 10, 2019. If Gillard 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 Certification, Recruitment, and Preparation, and shall meet all certification requirements in effect at the time he requests reinstatement. Gillard shall also pay all applicable reinstatement fees. The suspension of Carmichael's Educator Certificate #280310 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