

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Franklin J. Gause
Certificate 238375

ORDER OF SUSPENSION
(Breach of Contract)

SUMMARY OF THE CASE

This Order is hereby amended to clarify the State Board's just cause finding for a determination of the length of suspension.

The South Carolina State Board of Education (State Board) considered this matter on July 14, 2020. The South Carolina Department of Education (SCDE) notified Franklin J. Gause of potential disciplinary action against his teaching certificate and informed him of his right to a hearing via a certified letter dated October 29, 2019. Mr. Gause timely requested a hearing and such was held on March 5, 2020. On March 27, 2020, the SCDE and Mr. Gause received the hearing officer's final report and recommendation. After considering the evidence presented, the State Board hereby voted to suspend Mr. Gause's educator certificate for a period of one year, commencing on July 14, 2020 and ending on July 13, 2021.

FINDINGS OF FACT

This case concerns a formal complaint by Richland County School District One (District) seeking the suspension of Mr. Gause's educator certificate for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2004). Mr. Gause holds a valid South Carolina professional educator certificate and has over eleven years of experience. He has no prior record of disciplinary action with the State Board.

On April 29, 2019, Mr. Gause signed a contract as a teacher for the District for the 2019-20 school year. On July 15, 2019, Mr. Gause submitted his resignation to the District in order to pursue a doctorate degree. The District notified Mr. Gause he may be released from his contract if a suitable replacement could be found. Mr. Gause was not officially

released from his contract but failed to report to work at the start of the school year. The District submitted Mr. Gause to the SCDE has a breach of contract.

Following the hearing, the Hearing Officer found Mr. Gause breached his contract with the District by failing to report to work until a suitable replacement was found and leaving prior to receiving an official release from the District. In determining the length of suspension, the hearing officer considered mitigating evidence as offered by Mr. Gause, primarily the fact that the reasons for Mr. Gause's resignation would have satisfied the "good cause" standard of the District's resignation policy. In reviewing the hearing officer's report and recommendation, the State Board did not find Mr. Gause's arguments sufficient to mitigate his breach of contract.

After considering the evidence presented, the State Board finds that Mr. Gause breached his contract with the District. Accordingly, the State Board finds that just cause exists to suspend Mr. Gause's educator certificate for a period of one year, commencing on July 14, 2020, and ending on July 13, 2021.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. §59-25-150 (2018); The State Board may, for just cause, issue a public reprimand. S.C. Code Ann. Regs. 43-58 (2018). Just cause includes unprofessional conduct. S.C. Code Ann. §59-25-160. The State Board finds that the evidence presented supports its conclusion that just cause exists to suspend the professional educator certificate of Franklin J. Gause in this matter. The State Board finds that just cause exists to suspend Mr. Gause's educator certificate for a period of one year, commencing on July 14, 2020, and ending on July 13, 2021.

If Mr. Gause 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. Gause shall also pay the applicable reinstatement fee. The suspension of Franklin J. Gause, educator certificate 238375, shall be reported to the NASDTEC

Franklin J. Gause, Certificate 238375
Order of Suspension
July 20, 2020
Page 3 of 3

Clearinghouse and all South Carolina school districts within thirty 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

s/Michael Brennan

Michael Brennan, Chair

Columbia, South Carolina
July 20, 2020