

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Ava Louise Simmons
Certificate 299099

AMENDED 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 Ava Louise Simmons of potential disciplinary action against her teaching certificate and informed her of her right to a hearing via a certified letter dated October 29, 2019. Ms. Simmons timely requested a hearing. By stipulation of the parties, a Hearing on the Documents, defined as "the prehearing statement and any accompanying exhibits relevant to the proceeding that the parties wish to be presented to the hearing officer for review to make a determination of the disciplinary matter" was held. On June 12, 2020, all parties received the hearing officer's final report and recommendation. After considering the evidence presented, the State Board hereby voted to suspend Ms. Simmons' educator certificate for a period of one year, commencing on March 19, 2020 and ending on March 18, 2021.

FINDINGS OF FACT

This case concerns a formal complaint by the Richland Country School District One (District) seeking the suspension of Ms. Simmons' educator certificate for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2004). Ms. Simmons holds a valid South Carolina professional educator certificate and has one year of teaching experience. She has no prior record of disciplinary action with the State Board.

The hearing officer reviewed the prehearing statements and exhibits submitted by the parties and made a recommendation based upon her Findings of Fact. On July 29, 2019, Ms. Simmons signed a contract as a teacher for the District for the 2019-20 school

year. On September 6, 2019, Simmons executed a notice of separation after her request to split her time between schools was denied. Although Ms. Simmons was not released from her contract, she stopped reporting to work and enrolled as a full-time graduate student. On or around October 8, 2019, the District reported Ms. Simmons to the SCDE as a breach of contract.

The Hearing Officer found Ms. Simmons breached her contract by failing to continue her obligations as a teacher with the District per the contract; leaving prior to the District finding a suitable replacement; 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 Ms. Simmons. In reviewing the hearing officer's report and recommendation, the State Board did not find Ms. Simmons' arguments sufficient to mitigate her breach of contract.

After considering the evidence presented, the State Board finds that Ms. Simmons breached her contract with the District. Accordingly, the State Board finds that just cause exists to suspend Ms. Simmons' educator certificate for a period of one year, commencing on March 19, 2020, and ending on March 18, 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 Ava L. Simmons in this matter. The State Board finds that just cause exists to suspend Ms. Simmons' educator certificate for a period of one year, commencing on March 19, 2020, and ending on March 18, 2021.

If Ms. Simmons 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

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reinstatement. Ms. Simmons shall also pay the applicable reinstatement fee. The suspension of Ava Louise Simmons' educator certificate 299099 shall be reported to the NASDTEC 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