

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Ariel Wilkie
Certificate 293425

**ORDER OF SUSPENSION
(BREACH OF CONTRACT)**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 10, 2020. On January 30, 2020, the South Carolina Department of Education (SCDE) sent Ariel Wilkie a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. Ms. Wilkie received the notice, as evidenced by signed postal receipt. She has not requested a hearing and is now in default.

After considering the evidence presented, the State Board voted to suspend Ms. Wilkie's educator certificate for a period of one year, commencing March 10, 2020, and ending March 9, 2021.

FINDINGS OF FACT

This case concerns a formal complaint from the Sumter County School District (District) seeking the suspension of the educator certificate of Ms. Wilkie for breach of contract. The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2018) and S.C. Code Ann. § 59-25-530 (2018).

On April 26, 2019, Ms. Wilkie signed a contractual agreement with the District to serve as a teacher for 2019-20 school year. On December 19, 2019, Ms. Wilkie submitted an Employee Resignation Form to the District. In her resignation, Ms. Wilkie stated she was leaving the education field. The District informed Ms. Wilkie she would be released from her contract when a suitable replacement could be found. However, Ms. Wilkie did not report to work after winter break on January 6, 2020. On January 9, 2020, the District informed Ms. Wilkie that a recommendation would be made to report her for breach of contract. On January 13, 2020, the District Board of Trustees voted to report Ms. Wilkie to the SCDE as a breach of contract.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Wilkie breached her contract with the District, and that just cause exists to suspend Ms. Wilkie's certificate 293425 for a period of one year, commencing on March 10, 2020, and ending on March 9, 2021.

CONCLUSIONS OF LAW

"The South Carolina 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) (2018). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2018), the State Board of Education had the legal authority to suspend a certificate for "failure to comply with the provision 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 [or her] contract without written consent of the school board shall be deemed guilty of unprofessional conduct." S. C. Code Ann. § 59-25-530 (2018). "Upon 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. Wilkie breached her contract without the consent and/or approval of the District. Accordingly, the evidence presented supports the State Board's determination that just cause exists to suspend the educator certificate of Ariel Wilkie for a period of one year, commencing on March 10, 2020, and ending on March 9, 2021.

If Ms. Wilkie 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. Wilkie shall also pay the applicable reinstatement fee. The suspension of Ms. Wilkie's educator certificate 293425 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of

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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

A handwritten signature in black ink, appearing to read 'Michael Brenan', is written over a horizontal line.

Michael Brenan, Chair

Columbia, South Carolina
March 10, 2020