

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Daniel Ryan DeFreese
Certificate 305779

**Order of Suspension
(BREACH OF CONTRACT)**

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on August 9, 2022. On March 28, 2022, the South Carolina Department of Education (SCDE) sent Daniel Ryan DeFreese a notice via regular and certified mail, return receipt requested, concerning the pending action against educator certificate 305779. Mr. DeFreese thereafter timely requested a hearing, which was held on May 13, 2022. This matter is properly before the State Board pursuant to S.C Code Ann. § 59-25-150 (2017) and referred to a hearing officer pursuant to S.C. Code Ann. 59-5-70 (2004). After considering the evidence, testimony, and the report and recommendations presented, the State Board voted to suspend the certificate of Mr. DeFreese's educator certificate 305779, for a period of three months, commencing retroactively on February 18, 2022, and ending on May 17, 2022.

FINDINGS OF FACT

This case concerns a formal complaint of Richland School District Two (District) seeking the suspension of the educator certificate of Mr. DeFreese 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 29, 2021, Mr. DeFreese signed a contractual agreement with the District to serve as a teacher for the 2021-22 school year. On February 18, 2022, Mr. DeFreese informed his principal that he would be resigning. He then sent an electronic request for separation on February 23, 2022. During a meeting on February 23rd, and by letter dated March 15, 2022, Mr.

DeFreese was notified he would not be released from his contract until a suitable replacement was found. He was also informed of the consequences of a breaching his contract.

After the hearing, the Hearing Officer found substantial evidence that Mr. DeFreese breached his contract with the District. In determining the recommendation to the State Board, the Hearing Officer found that stresses caused by the Covid pandemic, and the fact that Mr. DeFreese was a first year teacher, to be mitigating factors. A three month suspension of his certification was recommended.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Mr. DeFreese breached his contract with the District, and that just cause exists to suspend Mr. DeFreese, certificate 305779, for a period of three months, commencing retroactively on February 18, 2022, and ending on May 17, 2022.

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 Mr. DeFreese breached his 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 Mr. DeFreese for a period of three months, commencing retroactively on February 18, 2022, and ending on May 17, 2022.

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If Mr. DeFreese 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. DeFreese shall also pay the applicable reinstatement fee. The suspension of Mr. DeFreese's educator certificate 305779 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/Alan Walters

Alan Walters, Chair

Columbia, South Carolina

August 9, 2022