

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Shaunteca Shaquille Simmons
Certificate 286360

ORDER OF SUSPENSION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on December 13, 2022. On May 2, 2022, the South Carolina Department of Education (SCDE) sent a notice via regular and certified mail, return receipt requested, to Shaunteca Shaquille Simmons concerning the pending action against educator certificate 286360. Ms. Simmons thereafter timely requested a hearing, which was held on November 1, 2022. This matter is properly before the State Board pursuant to S.C Code Ann. § 59-25-150 (2020) and referred to a hearing officer pursuant to S.C. Code Ann. 59-5-70 (2020).

After considering the evidence, testimony, and the report and recommendations presented, the State Board voted to suspend Ms. Simmons' certificate 286360, for a period of six months, commencing on December 13, 2022, and ending on June 12, 2023.

FINDINGS OF FACT

This case concerns a formal complaint of Rock Hill Schools, York County School District 3 (District) seeking the suspension of the educator certificate of Ms. Simmons for breach of contract. The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2020) and S.C. Code Ann. § 59-25-530 (2020).

On April 15, 2021, Ms. Simmons signed a contractual agreement with the District to serve as a science teacher for the 2021-22 school year. On January 26, 2022, Ms. Simmons submitted her resignation to the District, effective at the close of the 2021-22 school year. The resignation was accepted by the District, to be effective May 27, 2022. Thereafter, on March 7, 2022, Ms. Simmons notified the District that her last day would be March 18, 2022. Ms. Simmons was notified she would not be released from her contract until a suitable replacement was found. She

did not return to fulfill her contract. The District Board voted to report Ms. Simmons's breach of contract to the SCDE on April 25, 2022. On April 28, 2022, the District reported the matter to the SCDE.

The Hearing Officer noted that Ms. Simmons did not contest that she breached her contract with the District. In determining an appropriate action, the Hearing Officer noted that Ms. Simmons made attempts to mitigate the impact of breaching her contract by completing her extracurricular duties and sharing materials and information to continue classroom assignments. Other educator statements submitted as evidence stated Ms. Simmons was an excellent teacher. Considering all the facts as introduced, the Hearing Officer recommended a six month suspension of Ms. Simmons' educator certification.

After considering the evidence presented, the State Board finds just cause for the suspension of Ms. Simmons' educator certificate for a period of six months, commencing on December 13, 2022 and ending on June 12, 2023.

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) (2020). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2021), 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 (2020). "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. Simmons 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

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the educator certificate of Shaunteca Shaquille Simmons for a period of six months, commencing on December 13, 2022, and ending on June 12, 2023.

AND IT IS SO ORDERED.

South Carolina Board of Education

s/Crystal F. Stapleton

Crystal F. Stapleton, Chair

Columbia, South Carolina

December 13, 2022