

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Stacy Berchou
Certificate 310711

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on November 8, 2022. On October 5, 2022, the South Carolina Department of Education (SCDE) sent Stacy Berchou a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. Ms. Berchou received the notice on October 12, 2022, as evidenced by signed postal receipt. She has not contacted the SCDE to request a hearing and is now in default.

After considering the evidence presented, the State Board voted to suspend Stacy Berchou's educator certificate for a period of one year, commencing on November 8, 2022, and ending on November 7, 2023.

FINDINGS OF FACT

This case concerns a formal complaint of the Greenville County School District (District) seeking the suspension of the educator certificate of Ms. Berchou 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 30, 2022, Stacy Berchou signed a contractual agreement with the District to serve as a speech pathologist for the 2022-23 school year. On August 25, 2022, Ms. Berchou submitted her resignation to the District, effective August 26, 2022. In her resignation, Ms. Berchou stated she had family responsibilities that required her attention. In a subsequent written statement to the State Board, Ms. Berchou cited exceptional personal and professional circumstances that led to her decision to resign her employment. On August 30, 2022, the District informed Ms. Berchou that her resignation would be considered a breach of contract. She did not return to fulfill her contract with the District. The District Board voted to report Ms. Berchou's breach of contract to the SCDE

on September 27, 2022. The District reported the matter to the SCDE on September 27, 2022.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Berchou breached her contract with the District, and that just cause exists to suspend Ms. Berchou's certificate 310711 for a period of one year, commencing on November 8, 2022, and ending on November 7, 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) (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 Stacy Berchou 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 Stacy Berchou for a period of one year, commencing on November 8, 2022, and ending on November 7, 2023.

If Ms. Berchou 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. Berchou shall also pay the applicable reinstatement fee. The

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suspension of Ms. Berchou's educator certificate 310711 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
November 8, 2022