

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Caleb Scott
Certificate 299139

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on October 11, 2022. On March 24, 2022, the South Carolina Department of Education (SCDE) sent Caleb Scott a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate. The SCDE has verified Mr. Scott's address and the letter sent via regular mail has not been returned. On June 29, 2022, the SCDE informed Mr. Scott via regular mail that the State Board would meet on August 9, 2022, or as soon thereafter as is feasible, to consider action against his educator certification. Under the South Carolina Rules of Civil Procedure 5(b), Mr. Scott has been given fair notice of constitutional due process. Mr. Scott 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 Mr. Scott's educator certificate for a period of one year, commencing October 11, 2022, and ending on October 10, 2023.

FINDINGS OF FACT

This case concerns a formal complaint of York County School District 3 (District) seeking the suspension of the educator certificate of Mr. Scott 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 2, 2021, Mr. Scott signed a contractual agreement with the District to serve as an educator for the 2021-22 school year. On March 3, 2022, Mr. Scott submitted his resignation to the District, effective immediately. He did not provide a reason for his resignation. On March 3, 2022, the District informed Mr. Scott he would not be released from his contract until a suitable replacement was secured. He did not return to fulfil, his

contract. The District Board voted to report Mr. Scott's breach of contract to the SCDE on February 28, 2022. The District reported the matter to the SCDE on March 22, 2022.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Mr. Scott breached his contract with the District, and that just cause exists to suspend Mr. Scott's certificate 299139 for a period of one year, commencing on October 11, 2022, and ending on October 10, 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 Mr. Scott 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. Scott, certificate 299139, for a period of one year, commencing on October 11, 2022, and ending on October 10, 2023.

If Mr. Scott 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. Scott shall also pay the applicable reinstatement fee. The suspension

Caleb Scott, Certificate 299139
ORDER OF SUSPENSION
October 11, 2022
Page 3 of 3

of Caleb Scott's educator certificate 299139 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
October 11, 2022