

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Brett David Ballentine
Certificate 302621

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on September 13, 2022. On June 9, 2022, the South Carolina Department of Education (SCDE) sent Brett David Ballentine a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate. Mr. Ballentine received the notice and contacted the SCDE to discuss an alternate resolution. However, he subsequently stopped responding to the SCDE's communications. On August 18, 2022, notice was sent to Mr. Ballentine to inform him this matter would be presented to the State Board on September 13, 2022, or as soon thereafter as is feasible. He 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. Ballentine's educator certificate for a period of one year, commencing on September 13, 2022, and ending on September 12, 2023.

FINDINGS OF FACT

This case concerns a formal complaint of Lexington County Public School District Two (District) seeking the suspension of the educator certificate of Mr. Ballentine 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 30, 2021, Mr. Ballentine signed a contractual agreement with the District to serve as a teacher for the 2021-22 school year. Mr. Ballentine submitted his resignation on March 15, 2022, effective April 1, 2022. In his resignation, Mr. Ballentine stated he accepted a position outside of education. On March 17, 2022, the District Board of Trustees voted to report Mr. Ballentine's resignation to the SCDE as a breach of contract. The District reported the matter to the SCDE on May 25, 2022.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Mr. Ballentine breached his contract with the District, and that just cause exists to suspend Mr. Ballentine's certificate 302621 for a period of one year, commencing on September 13, 2022, and ending on September 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 Mr. Ballentine 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 Brett David Ballentine for a period of one year, commencing on September 13, 2022, and ending on September 12, 2023.

If Mr. Ballentine 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. Ballentine shall also pay the applicable reinstatement fee. The suspension of Mr. Ballentine's educator certificate 302621 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the

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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

Alan Walters, Chair

Columbia, South Carolina
September 13, 2022