

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Brian Scott Barry
Certificate 284056

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 14, 2023. On December 2, 2022, the South Carolina Department of Education (SCDE) sent Brian Scott Barry a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate. Mr. Barry received the notice on December 7, 2022, as evidence by postal tracking. 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. Barry's educator certificate for a period of one year, commencing on February 14, 2023, and ending on February 13, 2024.

FINDINGS OF FACT

This case concerns a formal complaint of the Greenville County School District (District) seeking the suspension of the educator certificate of Mr. Barry 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 May 20, 2022, Mr. Barry signed a contractual agreement with the District to serve as a teacher for the 2022-23 school year. On October 26, 2022, Mr. Barry submitted his resignation to the District, effective November 11, 2022. He informed the District he was accepting a position in the private sector. On October 28, 2022, the District informed Mr. Barry he would not be released from his contract and reminded him of the District's resignation policy. He did not return to fulfill his contract. The District Board voted to report Mr. Barry's breach of contract to the SCDE on November 29, 2022. The District reported the matter to the SCDE on December 1, 2022.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Mr. Barry breached his contract with the District, and that just cause exists to suspend Mr. Barry's certificate 284056 for a period of one year, commencing on February 14, 2023, and ending on February 13, 2024.

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 has 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. Barry 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 Brian Scott Barry for a period of one year, commencing on February 14, 2023, and ending on February 13, 2024.

If Mr. Barry 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. Barry shall also pay the applicable reinstatement fee. The suspension of Brian Scott Barry's educator certificate 284056 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of

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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/Crystal F. Stapleton, Ed.D.
Crystal F. Stapleton, Chair

Columbia, South Carolina
February 14, 2023