

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Dana Lynn Welsh
Certificate 299216

ORDER OF SUSPENSION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on May 9, 2023. On October 31, 2022, the South Carolina Department of Education (SCDE) sent a notice via regular and certified mail, return receipt requested, to Dana Lynn Welsh, concerning the pending action against educator certificate 299216. Ms. Welsh thereafter timely requested a hearing, which was held on February 28, 2023. 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 (2004). After considering the evidence, testimony, and the report and recommendations presented, the State Board voted to suspend Ms. Welsh's certificate 299216, for a period of six months, commencing on May 9, 2023, and ending on November 8, 2023.

FINDINGS OF FACT

This case concerns a formal complaint of School District Five of Lexington and Richland Counties (District) seeking the suspension of the educator certificate of Ms. Welsh 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 August 15, 2022, Ms. Welsh signed a contractual agreement with the District to serve as a science teacher for the 2022-23 school year. On August 28, 2022, Ms. Welsh informed the District she was resigning immediately due to issues in the work environment. The District informed Ms. Welsh she would not be released from her contract until a suitable replacement was found. Ms. Welsh responded with an addendum to her resignation letter stating she was moving due to the job transfer of her spouse. She was not released from her contract and did not

return to fulfill her contract. The District Board voted to report Ms. Welsh's breach of contract to the SCDE on October 24, 2022. On October 26, 2022, the District reported the matter to the SCDE.

Ms. Welsh did not contest that she breached her contract with the District. The Hearing Officer found Ms. Welsh to be a credible witness that wished to return to the classroom. Ms. Welsh testified her husband's job transfer has been postponed and she is working as a substitute teacher in the District. After her resignation, the District was unable to replace Ms. Welsh with a certified teacher until mid-December, leaving students with substitutes and administrators burdened with planning and grading lessons. Considering this evidence, the Hearing Officer recommended a six month suspension of Ms. Welsh's educator certification.

After considering the evidence presented, the State Board finds just cause for the suspension of Ms. Welsh's educator certificate for a period of six months, commencing on May 9, 2023 and ending on November 8, 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 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 Ms. Welsh 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 Dana Lynn Welsh for a period of six months, commencing on May 9, 2023, and ending on November 8, 2023.

AND IT IS SO ORDERED.

South Carolina Board of Education

s/Crystal F. Stapleton, Ed.D.

Crystal F. Stapleton, Ed.D., Chair

Columbia, South Carolina

May 9, 2023