

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Deyvis Sanchez
Certificate 312689

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

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on April 9, 2024. On August 18, 2023, the South Carolina Department of Education (SCDE) sent a notice via regular and certified mail, return receipt requested, to Deyvis Sanchez concerning the pending action against educator certificate 312689. Mr. Sanchez thereafter timely requested a hearing which was held on February 27, 2024. 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 (2020). After considering the evidence, testimony, and the report and recommendations presented, the State Board voted to suspend the certificate of Mr. Sanchez, certificate 312689, for a period of eight months, commencing on April 9, 2024, and ending on December 31, 2024.

FINDINGS OF FACT

This case concerns a formal complaint from Aiken County Public School District (District) seeking the suspension of the educator certificate of Mr. Sanchez 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 26, 2023, Mr. Sanchez signed a contractual agreement with the District to serve as a teacher for the 2023-24 school year. On June 2, 2023, Mr. Sanchez submitted his resignation to the District, after accepting a teaching job outside of the District. Mr. Sanchez was notified he would not be considered for release from his contract until a suitable replacement was found. He did not return to fulfill his contract. The District Board voted to report Mr. Sanchez's breach of contract to the SCDE on August 8, 2023.

After reviewing the testimony and documents presented, the Hearing Officer found that Mr. Sanchez breached his contract with the District. Mr. Sanchez stated the breach was necessary

due to health concerns. However, the Hearing Officer found that there was insufficient evidence for the defense. Further, even if proven, the issues did not constitute a good cause for the breach of contract. A six month suspension was recommended.

After considering the evidence presented, the State Board finds just cause for the suspension of Mr. Sanchez's educator certificate for a period of eight months, commencing on April 9, 2024 and ending on December 31, 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. Sanchez 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 Deyvis Sanchez for a period of eight months, commencing on April 9, 2024, and ending on December 31, 2024.

If Mr. Sanchez 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. Sanchez shall also pay the applicable reinstatement fee. The suspension of Mr. Sanchez's educator certificate 312689 shall be reported to the NASDTEC Clearinghouse and all South

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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 Board of Education

s/David C. O’Shields

David C. O'Shields, Chair

Columbia, South Carolina

April 9, 2024