

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Nicole Alicia Barrett
Certificate 321490

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on November 5, 2024. On September 16, 2024, the South Carolina Department of Education (SCDE) sent Nicole Alicia Barrett a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate based on her breach of contract. Ms. Barrett contacted the SCDE to discuss an alternate resolution. Ms. Barrett has agreed to waive her right to a hearing and enter this Consent Order of Suspension.

After considering the evidence presented, the State Board voted to suspend Ms. Barrett's educator certificate for a period of one year, commencing November 5, 2024, and ending November 4, 2025.

FINDINGS OF FACT

This case concerns a formal complaint from the Greenville County School District seeking the suspension of the educator certificate of Ms. Barrett 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 12, 2024, Ms. Barrett signed a contractual agreement with Greenville County School District to serve as a teacher for the 2024-2025 school year. Ms. Barrett submitted her resignation on August 14, 2024, effective immediately, citing the role not being right for her. The Greenville County School District informed Ms. Barrett that she would not be released from her contract until a satisfactory replacement had been obtained or the Superintendent determined that no replacement was necessary via letter

Nicole Alicia Barrett
321490
s/NAB
Initial
10/5/24
Date

on August 14, 2024. On August 27, 2024, the School Board of Trustees voted to report Ms. Barrett's breach of contract to the SCDE. On September 10, 2024, the District reported the matter to the SCDE.

After being notified of the pending action against her educator certificate, Ms. Barrett contacted the SCDE to discuss an alternate resolution. Ms. Barrett has agreed to the suspension of her educator certificate for a period of one year, beginning November 5, 2024, and ending November 4, 2025.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Barrett breached her contract with the District, and that just cause exists to suspend Ms. Barrett's certificate 321490 for a period of one year, commencing on November 5, 2024, and ending November 4, 2025.

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."

The State Board finds that the evidence presented demonstrates that Ms. Barrett breached her contract without the consent and/or approval of the Greenville County School District. Accordingly, the evidence presented supports the State Board's

Nicole Alicia Barrett
321490
s/NAB
Initial
10/5/24
Date

determination that just cause exists to suspend the educator certificate of Nicole Alicia Barrett for a period of one year, commencing on November 5, 2024, and ending on November 4, 2025. If Ms. Barrett wishes to have her educator certificate reinstated at the end of the suspension period, she shall make a written request to the SCDE's Office of Educator Services and shall meet all certification requirements in effect at the time she requests reinstatement. Ms. Barrett shall also pay the applicable reinstatement fee. The suspension of Ms. Barrett's educator certificate 321490 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/David C. O'Shields
David C. O'Shields, Chair

Columbia, South Carolina
November 5, 2024

Nicole Alicia Barrett
321490
s/NAB
Initial
10/5/24
Date

Consent Order of Suspension
Nicole Alicia Barrett, Certificate 321490
November 5, 2024
Page 4

I, Nicole Alicia Barrett, S.C. Educator Certificate 321490, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator certificate holders and that I have waived my right to a hearing in this matter. I understand that the terms set forth in this Consent Order of Suspension are not subject to reconsideration, collateral attack, or judicial review. I have read the Consent Order of Suspension, consisting of four pages, and I freely and voluntarily agree to the terms set forth therein. I understand that this Order will be presented to the South Carolina State Board of Education for approval on Tuesday, November 5, 2024.

I understand this Consent Order will not become effective until approved by the State Board and, if not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the State Board to adjudicate this matter. If approved by the State Board, I give the SCDE permission to use my electronic signature in the style of “/s/ name” for required website publication.

s/Nicole Alicia Barrett
Nicole Alicia Barrett

10/5/24
Date