

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of)
)
Brian Andrew Schekirke)
)
Certificate 275561)
_____)

ORDER OF SUSPENSION
(BREACH OF CONTRACT)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on January 13, 2016. On October 29, 2015, the South Carolina Department of Education (SCDE) sent Brian Andrew Schekirke notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate, certificate 275561, by regular and certified mail, return receipt requested, delivery restricted to addressee. Mr. Schekirke did not invoke his right to a hearing by contacting the SCDE, pursuant to S.C. Code Ann. § 59-25-170 (2004), and is now in default.

After considering the evidence presented, the State Board voted to suspend Mr. Schekirke’s educator certificate for a period of one year, commencing on January 13, 2016, and ending on January 12, 2017.

FINDINGS OF FACT

This case concerns a formal complaint by the Marion County School District (District) seeking the suspension of the educator certificate of Brian Andrew Schekirke for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2004) and S.C. Code Ann. § 59-25-530 (2004).

Mr. Schekirke holds a valid South Carolina educator certificate and has four years of teaching experience. On May 26, 2015, Mr. Schekirke signed a continuing contract with the District to serve as a teacher at Mullins High School for the 2015-2016 school year. On

September 1, 2015, Mr. Schekirke informed the District that he was resigning from his position at Mullins High School, effective September 2, 2015.

District administration met with Mr. Schekirke on September 1, 2015, and notified him that the District was unable to release him from his contract. On September 1, 2015, the District Superintendent also sent a letter to Mr. Schekirke informing him that the District was not releasing him from his contractual obligations. The letter further informed Mr. Schekirke that he was expected to fulfill his contract obligations with the District as agreed upon in his contract.

On September 16, 2015, the Marion County Board of Trustees voted to recommend the suspension of Mr. Schekirke's certification for breach of contract to the State Board. On October 8, 2015, the District reported Mr. Schekirke's breach of contract to SCDE.

On October 29, 2015, the South Carolina Department of Education (SCDE) sent Brian Andrew Schekirke notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate, certificate 275561, by regular and certified mail, return receipt requested, delivery restricted to addressee. Mr. Schekirke did not invoke his right to a hearing by contacting the SCDE, pursuant to S.C. Code Ann. § 59-25-170 (2004), and is now in default. After considering the evidence presented, the State Board finds that the evidence presented demonstrates that Mr. Schekirke engaged in unprofessional conduct and wilfully neglected his duty when he breached his contract with the District, and that just cause exists to suspend Mr. Schekirke's educator certificate for a period of one year, commencing on January 13, 2016, and ending on January 12, 2017.

CONCLUSIONS OF LAW

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004). 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) (2004). Pursuant to 2 S.C. Code Regs. 43-58 (2) and (14) (2011), the State Board of Education has the legal authority to suspend, *inter alia*, a certificate for “willful neglect of duty” and “failure to comply with the provisions of a contract without the written consent of the local school board.” The State Board finds that the evidence presented demonstrates that Mr. Schekirke breached his contract and engaged in unprofessional conduct, willfully neglected his duty, and failed to comply with the provisions of his contract without the written consent of the District. The evidence presented further supports the State Board’s determination that just cause exists to suspend the educator certificate of Brian Andrew Schekirke, certificate 275561, for a period of one year, commencing on January 13, 2016, and ending on January 12, 2017.

If Mr. Schekirke wishes to have his 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. Schekirke shall also be responsible for paying any applicable reinstatement fees. The suspension of Mr. Schekirke’s educator certificate 275561 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: _____

Michael R. Brennan, Chair