

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of)
)
Justin Raymon Stewart,)
)
Certificate 257259)

ORDER OF SUSPENSION
(BREACH OF CONTRACT)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 14, 2016. On April 28, 2016, the South Carolina Department of Education (SCDE) served Justin Raymon Stewart a notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. Mr. Stewart received the notice on May 4, 2016, as evidenced by the signed mail receipt bearing his signature. He has not requested a hearing and is now in default.

After considering the evidence presented, the State Board voted to suspend Mr. Stewart's educator certificate for a period of one year, commencing on June 14, 2016, and ending on June 13, 2017.

FINDINGS OF FACT

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

Mr. Stewart holds a South Carolina educator certificate and has two years of teaching experience. On April 22, 2015, Mr. Stewart signed a Contractual Agreement with the District to serve as a teacher for the 2015-2016 school year. Mr. Stewart submitted a letter of resignation on February 4, 2016, effective February 19, 2016. On February 9, 2016, the District held a meeting with Mr. Stewart to make him aware that sure he understood his resignation violated District's policy and that he had breached his contract. On February 25, 2016, the Director of Professional Employment informed Mr. Stewart that he had engaged in unprofessional conduct

by failing to comply with the provisions of his contract without having been duly released from her contract. The District also informed Mr. Stewart that a formal complaint would be filed with the State Board.

On March 22, 2016, the District Board of Trustees found that Mr. Stewart failed to comply with the provisions of his contract without the written consent of the District Board of Trustees and that his behavior constituted a breach of his employment contract with the District. The District voted to report Mr. Stewart's breach of contract to SCDE and the State Board. On April 19, 2016, the District reported this matter to SCDE, requesting that the State Board suspend Mr. Stewart's educator certificate.

On April 28, 2016, the SCDE served Mr. Stewart with notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. Mr. Stewart received the notice on May 4, 2016, as evidenced by the signed mail receipt bearing his signature. He has not requested a hearing and is now in default. After considering the evidence presented, the State Board voted to suspend Mr. Stewart's educator certificate for a period of one year, commencing on June 14, 2016, and ending on June 13, 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 (Rev. 2004). Just cause includes, *inter alia*, "willful violation of the rules and regulations of the State Board of Education" and "unprofessional conduct." S.C. Code Ann. § 59-25-160 (3) and (4) (Rev. 2004). Pursuant to S.C. Code Ann. § 59-25-530 (Rev. 2004), "any teacher who fails to comply with the provisions of his contract without the written consent of the school board shall be deemed guilty of unprofessional conduct." 24 S.C. Code Ann. Regs. 43-58 (2) and (14) (2011), provide that the State Board of Education has the legal authority, *inter alia*, to suspend a certificate for "wilful 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. Stewart 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 Greenville County School District. The evidence presented further

supports the State Board's determination that just cause exists to suspend the educator certificate of Justin Raymon Stewart certificate 257259, for a period of one year, commencing on June 14, 2016, and ending on June 13, 2017. If Mr. Stewart 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. Stewart shall also pay the applicable reinstatement fee. The suspension of Mr. Stewart's educator certificate 256400 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

Columbia, South Carolina

June 14, 2016