

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of)
)
Andrew Arthur Dagg)
)
Certificate 267011)
_____)

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 11, 2015. On January 29, 2015, the South Carolina Department of Education (SCDE) sent Andrew Arthur Dagg notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate, certificate 267011, by regular and certified mail, return receipt requested, delivery restricted to addressee. Mr. Dagg received the notice on February 2, 2015 as evidenced by a signed postal receipt. Mr. Dagg did not contact SCDE to request a hearing and is in default.

After considering the evidence presented, the State Board voted to suspend Mr. Dagg's educator certificate for a period of one year, commencing on March 11, 2015, and ending on March 10, 2016.

FINDINGS OF FACT

The case concerns a formal complaint by the Greenville County School District (District) seeking the suspension of the educator certificate of Andrew Arthur Dagg 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. Dagg holds a valid South Carolina educator certificate and has one year of teaching experience. On April 11, 2014, Mr. Dagg signed a continuing contract with the District to serve as a teacher at the West Greenville School for the 2014-2015 school year. On November 18,

2014, Mr. Dagg informed the District that he was resigning from his position of IAES Teacher at the West Greenville School, effective December 2, 2014.

On November 21, 2014, the Executive Director of Human Resources sent a letter to Mr. Dagg informing him that his resignation failed to meet the guidelines provided within District policy and that the District was not releasing him from his contractual obligations. The letter further informed Mr. Dagg that any professional employee who fails to comply with the provisions of his contract without being duly released from the contract shall be deemed guilty of unprofessional conduct. The District advised Mr. Dagg that he would be considered in breach of contract while abandoning his job if he did not fulfill his contract obligations.

On December 16, 2014, the Greenville County Board of Trustees voted to recommend the suspension of Mr. Dagg's certification for breach of contract to the State Board. On January 14, 2015, the District reported Mr. Dagg's breach of contract to SCDE.

On January 29, 2015, the SCDE sent Mr. Dagg notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate, certificate 267011, by regular and certified mail, return receipt requested, delivery restricted to addressee. Mr. Dagg received the notice on February 2, 2015 as evidenced by the signed postal receipt. Mr. Dagg did not contact SCDE to request a hearing and is in default. After considering the evidence presented, the State Board finds that the evidence presented demonstrates that Mr. Dagg engaged in unprofessional conduct and wilfully neglect his duty when he breached his contract with the District, and that just cause exists to suspend Mr. Dagg's educator certificate for a period of one year, commencing on March 11, 2015, and ending on March 10, 2016.

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. Dagg 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 Andrew Arthur Dagg, certificate 267011, for a period of one year, commencing on March 11, 2015, and ending on March 10, 2016.

If Mr. Dagg 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. Dagg shall also be responsible for paying any applicable reinstatement fees. The suspension of Mr. Dagg’s educator certificate 267011 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:


Traci Young Cooper, Ed.D., Chair