

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of) **ORDER OF SUSPENSION**
)
Octavia N. Eubanks,) **(BREACH OF CONTRACT)**
)
Certificate 905299)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on January 21, 2015. On December 9, 2014, the South Carolina Department of Education (SCDE) sent the Richland County Sheriff's Department a notice of a right to a hearing to personally serve upon Ms. Octavia N. Eubanks regarding the possible suspension of her South Carolina educator certificate. Subsequently, on December 30, 2014, Ms. Eubanks was personally served and contacted SCDE acknowledging that she had received the notice and that she was not requesting a hearing or seeking an alternative resolution in this matter. Ms. Eubanks is now in default.

After considering the evidence presented, the State Board voted to suspend Ms. Eubanks' educator certificate for a period of one year, commencing on January 21, 2015, and ending on January 20, 2016.

FINDINGS OF FACT

This case concerns a formal complaint by the Lexington County School District Two (District) seeking the suspension of the educator certificate of Ms. Octavia N. Eubanks for unprofessional conduct as a result of her breach of contract with the District. 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).

Ms. Eubanks holds a valid South Carolina educator certificate and has less than one year of teaching experience. On July 9, 2013, Ms. Eubanks signed a Contractual Agreement with the District for the 2013-2014 school year to work as a Sports Medicine teacher at Brookland-Cayce High School (School). On January 3, 2014, Ms. Eubanks sent a letter of resignation to the District. On January 6, 2014, the District sent a letter to Ms. Eubanks informing her of the District's protocol regarding breach of contract. Ms. Eubanks did not follow the requested

protocol and the District was left without a teacher. On February 27, 2014 the District School Board voted to report Ms. Eubanks to the SCDE for breach of contract. On March 24, 2014, the District sent notice to SCDE that Ms. Eubanks had accepted another position during her contract period with the District and had breached her contract.

On April 23, 2014, the SCDE sent Ms. Eubanks notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. Due to a lack of return receipt, SCDE repeated its attempt to serve Ms. Eubanks by certified mail on June 19, 2014. After the failed attempts at service by mail, the SCDE attempted twice to have Ms. Eubanks personally served with the notice by the Richland County Sheriff's Department in August 2014 and December 2014. On December 30, 2014, the Richland County Sheriff's Department personally served Ms. Eubanks with the notice letter from SCDE. On December 30, 2014, Ms. Eubanks called SCDE and acknowledged that she had received the notice. Ms. Eubanks did not request a hearing or an alternative resolution in this matter and is in default.

After considering the evidence presented, the State Board voted to suspend the educator certificate of Octavia N. Eubank for a period of one year, commencing on January 21, 2015, and ending on January 20, 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 24 S.C. Code Regs. 43-58 (2) and (14) (2011), the State Board of Education has the legal authority, *inter alia*, to suspend 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 Ms. Eubanks breached her contract and engaged in unprofessional conduct, willfully neglected her duty, and failed to comply with the provisions of her contract without the written consent of the Lexington County School District Two. The evidence presented further supports the State Board's determination that just cause exists to

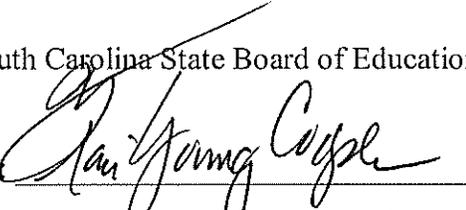
suspend the educator certificate of Octavia N. Eubanks, certificate 905299, for a period of one year, commencing on January 21, 2015, and ending on January 20, 2016.

If Ms. Eubanks 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. Eubanks shall also be responsible for the payment of any applicable reinstatement fee. The suspension of Ms. Eubanks' educator certificate 905299 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

Columbia, South Carolina
January 21, 2015