

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of) **ORDER OF SUSPENSION**
)
John Stephen Haney,) **(BREACH OF CONTRACT)**
)
Certificate 904272)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 11, 2014. On April 22, 2014, the South Carolina Department of Education (SCDE) gave John Stephen Haney notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate, by personal service as evidenced by an affidavit of service signed by a Deputy of the Greenville County Sheriff's Office. Mr. Haney did not contact SCDE to request a hearing and is in default.

After considering the evidence presented, the State Board voted to suspend Mr. Haney's educator certificate for a period of one year, commencing on June 11, 2014, and ending on June 10, 2015.

FINDINGS OF FACT

This case concerns a formal complaint by the Greenville County School District (District) seeking the suspension of the educator certificate of John Stephen Haney for unprofessional conduct as a result of his breach of contract with the District. 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. Haney holds a valid South Carolina educator certificate and has over twelve years of teaching experience. On April 16, 2013, Mr. Haney signed a Contractual Agreement with the District for the 2013-2014 school year to work as a teacher at the Donaldson Career Center (Center). On October 7, 2013, Mr. Haney sent a letter of resignation to the District stating that he was resigning from his position at the Center due to the decline in his overall health. On October 30, 2013, the District gave Mr. Haney written notice that he was not being released from his contractual obligations because his resignation did not meet the guidelines of Board Policy

GBO. The notice also informed Mr. Haney that his decision to leave his position without proper release was considered a breach of contract and abandonment of his job. Mr. Haney did not return to the Center. On December 16, 2013, the District informed the SCDE that on November 26, 2013, the District Board of Trustees had voted to recommend the suspension of Mr. Haney's South Carolina teaching credentials for breach of contract.

On January 10, 2014, the SCDE sent Mr. Haney notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate for breach of contract, by regular and certified mail, return receipt requested, delivery restricted to addressee. This attempt at service by mail was unsuccessful. On April 22, 2014, the SCDE gave Mr. Haney notice of his right to a hearing regarding the possible suspension of his South Carolina educator's certificate for breach of contract, by personal service as evidenced by an affidavit of service signed by a Deputy of the Greenville County Sheriff's Office. Mr. Haney did not contact SCDE to request a hearing within the specified time in the notice and is in default.

After considering the evidence presented, the State Board voted to suspend Mr. Haney's educator certificate for a period of one year, commencing on June 11, 2014, and ending on June 10, 2015.

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*, "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) (Rev. 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 Mr. Haney 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 Board. The evidence presented further supports the State Board's determination that just cause exists to suspend the

educator certificate of John Stephen Haney, certificate 904272, for a period of one year, commencing on June 11, 2014, and ending on June 10, 2015.

If Mr. Haney 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. Haney shall also pay an applicable reinstatement fee. The suspension of Mr. Haney's educator certificate 904272 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: 

Barry F. Bolen, Chair

Columbia, South Carolina

June 11, 2014