

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of) **ORDER OF SUSPENSION**
)
Lauren S. Smith,) **(BREACH OF CONTRACT)**
)
Certificate 248720)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on November 12, 2014. On September 9, 2014, the South Carolina Department of Education (SCDE) sent Lauren S. Smith 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. Ms. Smith received the notice on September 15, 2014, as evidenced by her signature on the return receipt. Ms. Smith did not contact SCDE to request a hearing in this matter and is in default.

After considering the evidence presented, the State Board voted to suspend Ms. Smith’s educator certificate for a period of one year, commencing on November 12, 2014, and ending on November 11, 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 Lauren S. Smith 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. Smith holds a valid South Carolina educator certificate and has over four years of teaching experience. On April 28, 2014, Ms. Smith signed a Contractual Agreement with the District for the 2014-2015 school year to work as a teacher at Woodmont High School (School). On August 7, 2014, Ms. Smith sent a letter of resignation to the District stating that she was resigning from her position at the School for family and personal reasons. On August 12, 2014, the District gave Ms. Smith written notice that she was not being released from her contractual obligations because her resignation did not meet the guidelines of Board Policy GBO. The

notice also informed Ms. Smith that her decision to leave her position without proper release was considered a breach of contract and abandonment of her job. On August 28, 2014, the District informed the SCDE that on August 26, 2014, the District Board of Trustees had voted to recommend the suspension of Ms. Smith's South Carolina teaching credentials for breach of contract.

On September 9, 2014, the SCDE sent Ms. Smith notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate for breach of contract, by regular and certified mail, return receipt requested, delivery restricted to addressee. Ms. Smith received this notice on September 12, 2014, as evidenced by her signature on the return receipt. Ms. Smith 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 Ms. Smith's educator certificate for a period of one year, commencing on November 12, 2014, and ending on November 11, 2015.

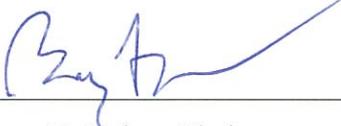
CONCLUSIONS OF LAW

"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 (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. Smith 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 Greenville County School Board. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Lauren S. Smith, certificate 248720, for a period of one year, commencing on November 12, 2014, and ending on November 11, 2015.

If Ms. Smith 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. Smith shall also pay an applicable reinstatement fee. The suspension of Ms. Smith's educator certificate 248720, 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
November 12, 2014