

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of	)	
	)	ORDER OF SUSPENSION
Kimberly Bonifacio Laval	)	
	)	(BREACH OF CONTRACT)
Educator Certificate 263642	)	
_____	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 9, 2019. On January 23, 2019, the South Carolina Department of Education (SCDE) served Kimberly Bonifacio Laval a 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. On February 1, 2019, Ms. Laval contacted the SCDE to discuss the procedures and her options. On February 27, 2019, Ms. Laval informed the SCDE she did not wish to participate in the process and confirmed that the SCDE would move forward with a default Order of Suspension of her educator certificate.

After considering the evidence presented, the State Board voted to suspend Ms. Laval's educator certificate for a period of one year, commencing on April 9, 2019, and ending on April 8, 2020.

FINDINGS OF FACT

This case concerns a formal complaint by York County School District Three (District) recommending the suspension of the educator certificate of Kimberly Bonifacio Laval for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2018) and S.C. Code Ann § 59-25-530 (2018).

On May 7, 2018, Ms. Laval signed a Contractual Agreement with the District to serve as a math teacher at Dutchman Creek Middle School for the 2018-19 school year. On December 5, 2018, Ms. Laval submitted her resignation to the District, effective December 21, 2018. On December 7, 2018, the District confirmed that Ms. Laval would be released from her contract if or when a suitable replacement could be found. However, Ms. Laval did not report to work on January 4, 2019. On January 14, 2019, the District Board voted to report Ms. Laval to the SCDE for the breach of contract.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Laval breached her contract with the District, and that just cause exists to suspend Ms. Laval's certificate 263642 for a period of one year, commencing on April 9, 2019, and ending on April 8, 2020.

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 (2018). 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) (2018). Pursuant to S.C. Code Regs. 43-58 and (14) (2011), the State Board of Education has the legal authority, *inter alia*, to suspend a certificate for "failure to comply with the provisions of a contract without the written consent of the local school board."

With respect to breach of contract, "any teacher who fails to comply with the provisions of his [of her] contract without written consent of the school board shall be deemed guilty of unprofessional conduct." S.C. Code Ann. § 59-25-530 (2018). "Upon the formal complaint of the school board, substantiated by conclusive evidence, the state board shall suspend or revoke the teacher's certificate, for a period not to exceed one calendar year." *Id.*

The State Board finds that the evidence presented demonstrates that Ms. Laval breached her contract without the consent and/or approval of the District. Accordingly, the evidence presented supports the State Board's determination that just cause exists to suspend the educator certificate of Kimberly Bonifacio Laval for a period of one year, commencing on April 9, 2019, and ending on April 8, 2020.

If Ms. Laval 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. Laval shall also pay the applicable reinstatement fee. The suspension of Ms. Laval's educator certificate 263642 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order, with the reason stated as "unprofessional conduct, breach

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of contract, and failure to comply with the provisions of a contract without the written consent of the local school board.”

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: s/Del-Gratia Jones
Del-Gratia Jones, Chair

Columbia, South Carolina
April 9, 2019