

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of	)	
	)	ORDER OF SUSPENSION
Patrick Joseph Hawkins	)	
	)	(BREACH OF CONTRACT)
Educator Certificate 240343	)	
_____	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 9, 2019. On October 26, 2018, the South Carolina Department of Education (SCDE) served Patrick Joseph Hawkins a notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. On November 14, 2018, Dr. Hawkins contacted the SCDE to discuss the procedures and his options. The SCDE attempted further communication with Dr. Hawkins on December 5, 2018, and February 26, 2019. He has been advised of his right to a hearing in this matter and failed to request a hearing. Dr. Hawkins was further advised of the procedures for a default action. He has failed to communicate with the SCDE and is now considered in default.

After considering the evidence presented, the State Board voted to suspend Dr. Hawkins' 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 Richland County School District One(District) recommending the suspension of the educator certificate of Patrick Joseph Hawkins for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2017) and S.C. Code Ann § 59-25-530 (2017).

On August 17, 2018, Dr. Hawkins signed a Contractual Agreement with the District to serve as a teacher for the 2018-19 school year. On August 24, 2018, Dr. Hawkins met with the District to discuss his desire to resign from the position. On September 4, 2018, the District informed Dr. Hawkins that he would be reported to the SCDE as a breach of contract if he did not return to work by September 7, 2018. On October 23, the District Board voted to report Dr. Hawkins to the SCDE for breach of contract.

After receiving notice of the pending action against his educator certification, Dr. Hawkins contacted the SCDE. He stated he was not currently working in education and would consider a consent order. A consent order was sent to him on November 14, 2018. Dr. Hawkins did not reply to that communication or any other communication sent by the SCDE after his initial contact. He has not requested a hearing and is now in default.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Dr. Hawkins breached his contract with the District, and that just cause exists to suspend Dr. Hawkins' certificate 240343 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." 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) (2017). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (Supp. 2017), 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."

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 (2017). "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 Dr. Hawkins breached his 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 Patrick Joseph Hawkins for a period of one year, commencing on April 9, 2019, and ending on April 8, 2020.

If Dr. Hawkins 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. Dr. Hawkins shall also pay the applicable reinstatement fee. The suspension of Dr. Hawkins' educator certificate 240343 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 of contract, willful neglect of duty, 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