

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of	)	
	)	ORDER OF SUSPENSION
Felecia M. Davis	)	
	)	(BREACH OF CONTRACT)
Educator Certificate 285888	)	
_____	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 9, 2019. On March 6, 2019, the South Carolina Department of Education (SCDE) served Felecia M. Davis 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 March 20, 2019, Ms. Davis contacted the SCDE to discuss the procedures and her options. She has been advised of her right to a hearing in this matter and failed to request a hearing. Ms. Davis was further advised of the procedures for a default action. She has failed to communicate with the SCDE and is now considered in default.

After considering the evidence presented, the State Board voted to suspend Ms. Davis' 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 Marion County School District Ten (District) recommending the suspension of the educator certificate of Felecia M. Davis 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 March 26, 2018, Ms. Davis signed a Contractual Agreement with the District to serve as a teacher for the 2018-19 school year. On January 30, 2019, Ms. Davis submitted her two week notice to the District. On February 1, 2019, submitted a second resignation, alleging the District had found a suitable replacement and she was therefore requesting immediate release from her position. The District had not found a replacement at that time. On February 19, 2019, the District Board voted to report Ms. Davis to the SCDE for breach of contract.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Davis breached her contract with the District, and that just cause exists to

suspend Ms. Davis' certificate 285888 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) (2018). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (Supp. 2011), the State Board of Education has the legal authority 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. Davis 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 Felecia M. Davis for a period of one year, commencing on April 9, 2019, and ending on April 8, 2020.

If Ms. Davis 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 he requests reinstatement. Ms. Davis shall also pay the applicable reinstatement fee. The suspension of Ms. Davis' educator certificate 285888 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.

(signature page attached)

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South Carolina State Board of Education

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

Columbia, South Carolina
April 9, 2019