

**BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION**

|                                 |   |                                    |
|---------------------------------|---|------------------------------------|
| In the Matter of the Suspension | ) |                                    |
|                                 | ) |                                    |
| of the Educator Certificate of  | ) | <b>CONSENT ORDER OF SUSPENSION</b> |
|                                 | ) |                                    |
| Wendy Neal                      | ) | <b>(BREACH OF CONTRACT)</b>        |
|                                 | ) |                                    |
| <u>Certificate 243884</u>       | ) |                                    |

**SUMMARY OF THE CASE**

The South Carolina State Board of Education (State Board) considered this matter on January 8, 2019. On October 26, 2018, the South Carolina Department of Education (SCDE) served Wendy Neal 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 December 5, 2018, the SCDE served Ms. Neal with a notice that the State Board would meet on January 8, 2019, to consider disciplinary action against her educator certificate for the breach of contract matter. On December 17, 2018, Ms. Neal contacted the SCDE, confirmed that she had received the notice via United States mail, and agreed to waive her right to a hearing and enter into this Consent Order of Suspension.

After considering the evidence presented, the State Board voted to suspend Ms. Neal's educator certificate for a period of one year, commencing on January 8, 2019, and ending on January 7, 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 Wendy Neal 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 April 26, 2018, Ms. Neal signed a Continuing Contract with the District to serve as a special education teacher at Pendergrass Fairwold School for the 2018-19 school year. On August 14, 2018, Ms. Neal submitted a resignation to the District, effective immediately. On August 28, 2018, the District notified Ms. Neal that she had not reported to work since August 13, 2018, and directed her to return to work prior to September 4, 2018, or she would be considered to be in breach of her contract. The District further informed her that the matter would

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be forwarded to the SDE for potential action against her certificate based upon her failure to report to work. On October 1, 2018, the District informed Ms. Neal of its intention to move forward with a recommendation to the District Board for her breach of contract. On October 23, 2018, the District Board voted to report Ms. Neal to the SCDE as a breach of contract. On October 25, 2018, the District reported Ms. Neal to the SCDE for beach of contract.

The State Board finds that the evidence presented demonstrates that Ms. Neal breached her contract with the District, and that just cause exists to suspend Ms. Neal's certificate 243884 for a period of one year, commencing on January 8, 2019, and ending on January 7, 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 (2017). 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) (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. Neal breached her contract without the consent and/or approval of the District.

The evidence presented supports the State Board's determination that just cause exists to suspend the educator certificate of Wendy Neal for a period of one year, commencing on January 8, 2019, and ending on January 7, 2020. If Ms. Neal 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. Neal shall also pay the applicable reinstatement fee.

The suspension of Ms. Neal's educator certificate 243884 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.**

(signature page attached)

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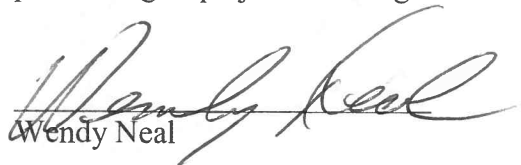
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South Carolina State Board of Education

By:   
Del-Gratia Jones, Chair

Columbia, South Carolina  
January 8, 2019

I, Wendy Neal, SC Educator Certificate 243884, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator certificate holders and that I have waived my right to a hearing in this matter. I understand the terms set forth in this Consent Order of Suspension are not subject to reconsideration, collateral attack or judicial review. I agree to the terms of this Consent Order of Suspension, consisting of three pages, and understand that this Order will be presented to the State Board for approval on January 8, 2019. I understand this Order will not become effective until approved by the State Board and, if not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the State Board to adjudicate this matter.

  
Wendy Neal

12/31/18  
Date