

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Kyle Joseph Miller
Certificate 292179

**ORDER OF SUSPENSION
(BREACH OF CONTRACT)**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 13, 2019. On May 23, 2019, the South Carolina Department of Education (SCDE) sent Kyle Joseph Miller a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate. The SCDE has verified Mr. Miller's address and the letter sent via regular mail has not been returned. On June 25, 2019, the SCDE informed Mr. Miller via regular and certified mail that the State Board would meet on August 13, 2019, to consider action against his educator certification. Under the South Carolina Rules of Civil Procedure 5(b), Mr. Miller has been given fair notice of constitutional due process. Mr. Miller has not contacted the SCDE to request a hearing and is now in default.

After considering the evidence presented, the state Board voted to suspend Mr. Miller's educator certificate for a period of one year, commencing August 13, 2019, and ending August 11, 2020.

FINDINGS OF FACT

This case concerns a formal complaint of the Greenville County School District (District) seeking the suspension of the educator certificate of Kyle Joseph Miller 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 July 22, 2018, Mr. Miller signed a contractual agreement with the District to serve as a teacher for 2018-19 school year. During the second half of the school year, Mr. Miller submitted his resignation to the District, effective April 19, 2019. He stated he

would be leaving to pursue another business opportunity. On April 2, 2018, the District informed Mr. Miller that his resignation constituted a breach of contract and may be reported to the SCDE for action against his educator certification. The District Board voted to report Mr. Miller's breach of contract to the SCDE on April 23, 2019.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Mr. Miller breached his contract with the District, and that just cause exists to suspend Mr. Miller's certificate 292179 for a period of one year, commencing on August 13, 2019, and ending on August 11, 2019.

CONCLUSIONS OF LAW

"The South Carolina 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) (2018), the State Board of Education had the legal authority to suspend a certificate for "failure to comply with the provision 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 [or 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 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 Mr. Miller 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 Kyle Joseph Miller for a period of one year, commencing on August 13, 2019, and ending on August 11, 2020.

If Mr. Miller 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. Mr. Miller shall also pay the applicable reinstatement fee. The suspension

of Mr. Miller's educator certificate 292179 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

s/Del-Gratia Jones

Del-Gratia Jones, Chair

Columbia, South Carolina
August 13, 2019