

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of	)	
	)	ORDER OF SUSPENSION
Alesia Ann Ruby	)	
	)	(BREACH OF CONTRACT)
Educator Certificate #290440	)	
_____	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 12, 2019. The South Carolina Department of Education (SCDE) notified Alesia Ann Ruby her right to a hearing regarding the possible suspension of her South Carolina Educator Certificate by letter dated October 26, 2018, via certified and regular U.S. Mail. Ms. Ruby timely requested a hearing. On January 15, 2019, a hearing was held concerning Ms. Ruby's alleged breach of contract with the Greenville County School District (District).

After considering the evidence presented, the State Board hereby voted to suspend Ms. Ruby's educator certificate for a period of one year, commencing on March 12, 2019, and ending on March 11, 2020.

FINDINGS OF FACT

This case concerns a formal complaint by the District seeking the suspension of Ms. Ruby's educator certificate for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2004) and S.C. Code Ann § 59-25-530 (2004).

Ms. Ruby holds a valid South Carolina educator certificate and was employed by the District as a Spanish teacher at Beck Academy (School). She signed a contract with the District for the 2018-2019 school year on May 22, 2018. After she started in the District in August of 2018, Ms. Ruby began to get sick. The School's principal visited her at home and they discussed possibly solutions to Ms. Ruby's struggles at the School. During this discussion, Ms. Ruby was warned about the possibility of losing her certification due to a breach of contract.

Ms. Ruby did seek a meeting the District's superintendent. However, after her discussion the principal, Ms. Ruby cancelled her meeting with the superintendent. Ms. Ruby met with her principal again on September 7, 2018. The principal offered further support, including a half day substitute once every nine weeks to allow time for planning. However, on October 8, 2018, Ms.

Ruby removed her items from the School and emailed a resignation to her principal. She is currently working at a private school in Greenville.

The hearing officer's recommendation on this matter considers several mitigating factors for Ms. Ruby's breach of contract. However, the only factor the hearing officer found compelling was the District's promise of an appropriate amount of time for planning. Notes submitted from Ms. Ruby's initial interview with the District indicated Ms. Ruby expected a 70-minute planning period plus 30 minutes during a School advisory period. However, during the beginning of the year, Ms. Ruby was asked to help in other classes during the advisory period. Though the School attempted to address the concerns Ms. Ruby had for her planning period, the hearing officer felt it still fell short of the time a teacher would reasonably need to prepare for three separate classes with a total of 176 students.

After considering the evidence presented at the January 15, 2019, hearing and the Hearing Officer's Report and Recommendation, the State Board finds that the evidence presented demonstrates that Ms. Ruby breached her contract with the District. Accordingly, the Board finds that just cause exists to suspend Ms. Ruby's educator certificate for a period of one year, commencing on March 12, 2019, and ending on March 11, 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 (2004). Just cause includes, *inter alia*, "unprofessional conduct". S.C. Code Ann. § 59-25-160 (4) (2004).

S. C. Code Ann. §59-25-530 (2004) provides that a teacher who fails to comply with the provisions of his or her contract without the written consent of the school board is deemed guilty of unprofessional conduct and subject to suspension of the educator certificate for up to one calendar year.

The State Board finds that the evidence presented demonstrates that Ms. Ruby engaged in unprofessional conduct by failing to comply with the provisions of her contract without the written consent of the District. Accordingly, the evidence presented supports the State Board's determination that just cause exists to suspend the educator certificate of Alesia Ann Ruby,

Educator Certificate # 290440, for a period of one year, commencing on March 12, 2019, and ending on March 11, 2020.

If Ms. Ruby 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 Certification, Recruitment, and Preparation, and shall meet all certification requirements in effect at the time she requests reinstatement. Ms. Ruby shall also pay all applicable reinstatement fees. The suspension of Ms. Ruby's educator certificate 290440 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty (30) days from the date of this order with the reason stated as "unprofessional conduct for breach 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: 
Del-Gratia Jones, Chair

Columbia, South Carolina
March 12, 2019