

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of) **ORDER OF SUSPENSION**
)
Michelle Brown Gastreich) **(BREACH OF CONTRACT)**
)
Certificate 904966)
_____)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 10, 2015. On April 9, 2015, the South Carolina Department of Education (SCDE) sent Michelle Brown Gastreich notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, certificate 904866, by regular and certified mail, return receipt requested, delivery restricted to addressee. Ms. Gastreich received the notice on April 18, 2015, as evidenced by a signed postal receipt bearing her signature. Ms. Gastreich did not contact SCDE to request a hearing and is in default.

After considering the evidence presented, the State Board voted to suspend Ms. Gastreich's educator certificate for a period of one year, commencing on June 10, 2015, and ending on June 9, 2016.

FINDINGS OF FACT

The case concerns a formal complaint by the Lexington County School District Two (District) seeking the suspension of the educator certificate of Michelle B. Gastreich 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. Gastreich holds a valid South Carolina educator certificate and has five years of teaching experience. On April 11, 2014, Ms. Gastreich signed a continuing contract with the District to serve as a health science teacher at Airport High School for the 2014-2015 school

year. On February 2, 2015, Ms. Gastreich sent a letter to her principal informing the principal that she was resigning from her position effective February 25, 2015. On February 3, 2015, the District informed Ms. Gastreich that her resignation would be accepted when a replacement for her position was employed. Ms. Gastreich's last day of work was February 25, 2015, before the employment of her replacement.

On February 26, 2015, the Lexington County Two Board of Education voted to report Ms. Gastreich's breach of contract to the SCDE. The District reported this matter to SCDE on April 2, 2014.

On April 9, 2015, the SCDE sent Ms. Gastreich notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, certificate 904966, by regular and certified mail, return receipt requested, delivery restricted to addressee. Ms. Gastreich received the notice on April 18, 2015, as evidenced by a signed postal receipt bearing her signature. Ms. Gastreich did not contact SCDE to request a hearing and is in default.

After considering the evidence presented, the State Board finds that the evidence presented demonstrates that Ms. Gastreich engaged in unprofessional conduct and willfully neglected her duty when she breached her contract with the District, and that just cause exists to suspend Ms. Gastreich's educator certificate for a period of one year, commencing on June 10, 2015, and ending on June 9, 2016.

CONCLUSIONS OF LAW

"The State Board of Education, upon careful review of the evidence presented, makes the following conclusions of law in this matter:

(1) The State Board of Education has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2004), which provides "The South Carolina Board of Education may, for just cause,

revoke or suspend the certificate of any person,” and S.C. Code Ann § 59-25-530 (2004), which provides, “Any teacher who fails to comply with the provisions of his contract without the written consent of the school board shall be deemed guilty of unprofessional conduct.”

(2) Just cause is statutorily defined to include “unprofessional conduct,” “willful neglect of duty,” and “willful violation of the rules and regulations of the State Board of Education.” S.C. Code Ann. § 59-25-160 (2004).

(3) 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 teaching 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.”

(4) The evidence presented demonstrates that Ms. Gastreich engaged in unprofessional conduct by breaching her contract, willfully neglected her duty, and failing to comply with the provisions of her contract without the written consent of the District Board of Trustees.

(5) The evidence presented supports the State Board’s conclusion that just cause exists to suspend the educator certificate of Michelle B. Gastreich, certificate 904966, for a period of one year, commencing on June 10, 2015, and ending on June 9, 2016.

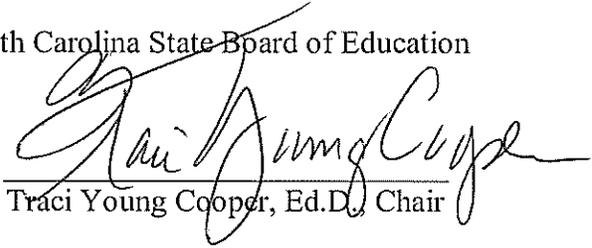
The suspension of certificate 904966 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order. If Ms. Gastreich wishes to have her certificate reinstated at the end of the suspension period, she shall submit a written request to the SCDE’s Office of Educator Services, and shall meet all certification requirements in effect at the time she requests reinstatement. Ms. Gastreich shall also be responsible for paying any applicable reinstatement fees.

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AND IT IS SO ORDERED.

South Carolina State Board of Education

By:

A handwritten signature in black ink, appearing to read "Traci Young Cooper", written over a horizontal line.

Traci Young Cooper, Ed.D., Chair

Columbia, South Carolina
June 10, 2015