

Ms. Miguel signed a continuing teaching contract with the District for the 2014-2015 school year on April 22, 2014. On Sunday, March 22, 2015, Ms. Miguel tendered her resignation via email stating that the previous Friday was her last day of employment with the school. On March 25, 2015, the District gave Ms. Miguel written notice that she would not be released from her contract in that her resignation did not meet the District's policy regarding release of contract. Ms. Miguel was further advised that she would not be eligible for re-employment in the district and that a formal complaint would be filed with the State Board requesting revocation or suspension of her certificate.

On April 7, 2015, Ms. Miguel met with the Director of Professional Employment for the District to explain the circumstances of her resignation. She stated that she had been bullied and treated unfairly by school administration in that they refused to follow through with disciplinary referrals, threatened her with dismissal, and continually challenged her actions with students. Because of these actions, she could not sleep at night, she could not concentrate, and she was under a great deal of stress. She felt that she could no longer perform her job. After being threatened with dismissal, she resigned.

On June 5, 2015, SCDE sent Ms. Miguel a notice of her right to a hearing regarding the possible suspension of her South Carolina Educator Certificate #213357, by regular and certified mail, return receipt requested, delivery restricted to addressee. Ms. Miguel timely requested a hearing. On August 14, 2015, a hearing was held concerning Ms. Miguel's alleged Breach of Contract with the Greenville School District.

After considering the evidence presented at the August 14, 2015 hearing, the State Board finds that the evidence presented demonstrates that Ms. Miguel breached her contract with the District and a suspension of her Educator Certificate is warranted. However, the working environment experienced by Ms. Miguel at Northwest Middle School is a mitigating factor with regard to the length of the suspension to be imposed. Accordingly, the Board finds that just cause exists to suspend Ms. Miguel's Educator Certificate #213357 for a period of one (1) calendar day, commencing on September 9, 2015, and ending on September 10, 2015.

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*, “willful violation of the rules and regulations of the State Board of Education” and “unprofessional conduct.” S.C. Code Ann. § 59-25-160 (3) and (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.

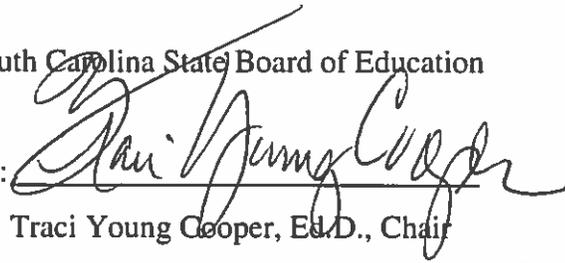
The State Board finds that the evidence presented demonstrates that Ms. Miguel breached her contract by engaging in unprofessional conduct, willfully neglecting her duty, and failing to comply with the provisions of her contract without the written consent of the Greenville School District. However, the State Board acknowledges that Ms. Miguel’s actions were influenced by extenuating circumstances in the workplace that made it difficult for her to perform her duties with the District and such has been taken into account herein. Accordingly, the evidence presented supports the State Board’s determination that just cause exists to suspend the Educator Certificate of Noemy Estela Miguel, Educator Certificate #213357, for a period of sixty (60) calendar days, commencing on September 9, 2015, and ending on September 10, 2015. If Ms. Miguel 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. Miguel shall also pay all applicable reinstatement fees. The suspension of Ms. Miguel’s Educator Certificate #213357 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, 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.

Miguel, Noemy Estela
Order of Suspension
September 9, 2015
Page 4

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
September 9, 2015