

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of)
)
Garry Woods,)
)
Certificate 172715)
_____)

ORDER OF SUSPENSION
(BREACH OF CONTRACT)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 10, 2016. On December 15, 2014, February 3, 2015, October 30, 2015, and December 23, 2015, the South Carolina Department of Education (SCDE) attempted to serve Garry Woods a notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. On February 3, 2016, Mr. Woods acknowledged to the investigator for the SCDE Office of General Counsel receipt of the written notice dated December 23, 2015. He further acknowledged he did not invoke his right to a hearing pursuant to S.C. Code Ann. § 59-25-170 (Rev. 2004), and is now in default.

After considering the evidence presented, the State Board voted to suspend Mr. Wood’s educator certificate for a period of one year, commencing on February 10, 2016, and ending on February 9, 2017.

FINDINGS OF FACT

This case concerns a formal complaint by the Spartanburg County School District Five (District) recommending the suspension of the educator certificate of Garry Woods for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (Rev. 2004) and S.C. Code Ann § 59-25-530 (Rev. 2004).

Mr. Woods holds a valid South Carolina educator certificate and has over eighteen years of teaching experience. On May 28, 2014, Mr. Woods signed a Contractual Agreement with the District to serve as a mathematics teacher at Florence Chapel Middle School for the 2014-2015 school year. Mr. Woods submitted a verbal resignation on October 15, 2014, stating that his resignation was effective immediately. Mr. Woods placed his key on the principal’s desk and

walked out of the building. On October 15, 2014 Superintendent Dr. Scott Turner informed Mr. Woods that his actions were unprofessional and qualified as a breach of his contract with the District. The District also informed Mr. Woods that his breach of contract would be reported to the SCDE.

On November 24, 2014, the District Board of Trustees found that Mr. Woods failed to comply with the provisions of his contract without the written consent of the District Board of Trustees and that his behavior constituted a breach of his employment contract with the District. The District voted to report Mr. Woods' breach of contract to SCDE and the State Board. On October 15, 2014, the District reported this matter to SCDE requesting that the State Board take action regarding Mr. Wood's educator certificate.

The SCDE made four attempts to serve Mr. Woods with notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. On February 3, 2016, Mr. Woods acknowledged to the investigator for the SCDE Office of General Counsel receipt of the written notice dated December 23, 2015. He further acknowledged he did not invoke his right to a hearing.

After considering the evidence presented, the State Board voted to suspend Mr. Woods' educator certificate for a period of one year, commencing on February 10, 2016, and ending on February 9, 2017.

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 (Rev. 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) (Rev. 2004). Pursuant to S.C. Code Ann. § 59-25-530 (Rev. 2004), "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." 24 S.C. Code Ann. Regs. 43-58 (2) and (14) (2011), provides that the State Board of Education has the legal authority, *inter alia*, to suspend a certificate for "wilful 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 Mr. Woods breached his contract and engaged in unprofessional conduct, wilfully neglected his duty, and failed to comply with the provisions of his contract without the written consent of the Spartanburg County School District Five. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Garry Woods, certificate 172715, for a period of one year, commencing on February 10, 2016, and ending on February 9, 2017. If Mr. Woods 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. Woods shall also pay the applicable reinstatement fee. The suspension of Mr. Woods' educator certificate 172715 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.

South Carolina State Board of Education

By: _____

Michael R. Brenan, Chair

Columbia, South Carolina
February 10, 2016