

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of) **ORDER OF SUSPENSION**
)
Jaime D. Morales, III,) **(BREACH OF CONTRACT)**
)
Certificate 244654)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on May 11, 2016. On April 11, 2016, the South Carolina Department of Education (SCDE) served Jaime D. Morales, III with 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. Mr. Morales acknowledged that he received the notice and informed the SCDE that he was not invoking his right to a hearing pursuant to S.C. Code Ann. § 59-25-170 (Rev. 2004).

After considering the evidence presented, the State Board voted to suspend Mr. Morales' educator certificate for a period of one year, commencing on May 11, 2016, and ending on May 10, 2017.

FINDINGS OF FACT

This case concerns a formal complaint by the Lexington County School District Two (District) recommending the suspension of the educator certificate of Jaime D. Morales, III, 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. Morales holds a valid South Carolina educator certificate and has one year of teaching experience. On April 15, 2015, Mr. Morales signed a contract with the District to serve as a teacher at Davis Early Childhood Center for Technology for the 2015-2016 school year. On February 3, 2016, Mr. Morales submitted a letter of resignation, effective February 12, 2016. On February 3, 2016, the Assistant Superintendent for Human Resources informed Mr. Morales that his resignation did not meet the guidelines provided in Board Policy GBO and that he would

need to remain in his position until the District found a suitable replacement. Mr. Morales did not return to work after February 12, 2016.

On February 25, 2016, the District Board of Trustees found that Mr. Morales failed to comply with the provisions of his contract and that his behavior constituted a breach of contract with the District. On March 18, 2016, the District reported this matter to SCDE requesting that the State Board suspend Mr. Morales' educator certificate.

On April 11, 2016, the SCDE sent Mr. Morales 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. Mr. Morales informed the SCDE that he had received the written notice and that he was not requesting a hearing in this matter.

After considering the evidence presented, the State Board voted to suspend Mr. Morales educator certificate for a period of one year, commencing on May 11, 2016, and ending on May 10, 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 Jaime D. Morales, III breached his contract and engaged in unprofessional conduct, willfully neglected his duty, and failed to comply with the provisions of his contract without the written consent of the Lexington County School District Two. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Jaime D. Morales, III, certificate 244654, for a period of one year, commencing on May 11, 2016, and ending on May 10, 2017. If Mr. Morales wishes to have his

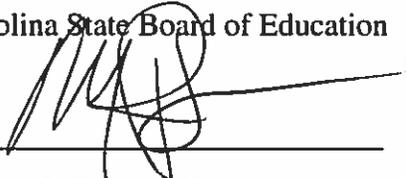
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educator certificate reinstated at the end of the suspension period, he shall make a written request to the SCDE's Office of Educator Services, and shall meet all certification requirements in effect at the time he requests reinstatement. Mr. Morales shall also pay the applicable reinstatement fee. The suspension of Mr. Morales' educator certificate 244654 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. Brennan, Chair

Columbia, South Carolina

May 11, 2016