

**BEFORE THE
SOUTH CAROLINA STATE BOARD OF EDUCATION**

In the Matter of Rayford Randolph Rucker,)	
)	ORDER OF DISMISSAL
)	
Educator Certificate #252584)	(BREACH OF CONTRACT)
)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 12, 2016. On December 23, 2015, the South Carolina Department of Education (SCDE) sent Rayford Randolph Rucker (Rucker) 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. Rucker timely requested a hearing. On January 28, 2016, a hearing was held concerning Rucker's alleged Breach of Contract with the Greenville County School District (the District).

After considering the evidence presented, the State Board hereby dismisses this action against Rucker's educator certificate.

FINDINGS OF FACT

This case concerns a formal complaint by the District seeking the suspension of the Educator Certificate of Rucker 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).

Rucker holds a valid South Carolina Educator Certificate and was employed by the District as a first grade teacher at West Cliff Elementary School. Rucker held that position for one year.

Rucker signed a continuing contract with the District on April 22, 2015 to teach for the 2015-2016 year. On July 27, 2015, Rucker tendered his resignation to the school principal. On that same day, the District sent Rucker a letter advising him that the District was not releasing him from his contract. This letter was sent certified mail but the District never received the

return receipt and made no effort to determine if the letter had been received. Rucker never received the letter and his first notification of this action was the December 23, 2015 letter from SCDE advising him of his right to a hearing in this matter. Pursuant to a request from the hearing officer, the District produced evidence from the U.S. Postal Service indicating that the letter had never been delivered. Although Rucker's address in the District's files was incorrect, the District had access to his correct address via his principal.

After considering the evidence presented at the January 28, 2016 hearing, the State Board finds that the evidence demonstrates that the District failed to properly notify Rucker that he was not released from his contract, thereby depriving Rucker of the opportunity to make critical decisions impacting his teaching certificate. Accordingly, the Board hereby dismisses this action.

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" and "willful violation of the rules and regulations of the State Board of Education." S.C. Code Ann. § 59-25-160 (3) and (4) (2004).

The District routinely provides written notification to any teacher who resigns his/her position of the decision of the District regarding release of the teacher's contract pursuant to S. C. Code Ann. §59-25-530 (2004). This section reads as follows:

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. A breach of contract resulting from the execution of an employment contract with another board within the State without the consent of the board first employing the teacher makes void any subsequent contract with any other school district in South Carolina for the same employment period. Upon the formal complaint of the school board, substantiated by conclusive evidence, the State board shall suspend or revoke the teacher's certificate for a period not to exceed one calendar year. State education agencies in other states with reciprocal certification agreements shall be notified of the revocation of the certificate.

Rucker, Rayford Randolph
Order of Dismissal
April 12, 2016
Page 3

The State Board finds that the evidence presented demonstrates that the District failed to notify Rucker that he was not released from his contract thereby depriving him of the opportunity to cure his breach. As such, this action against Rucker's educator certificate #252584 is hereby dismissed. .

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: _____

Michael R. Brennan, Chair

Columbia, South Carolina

April 12, 2016