BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	**ORDER OF SUSPENSION**
	)	
Isaac Lee, II,	)	**(BREACH OF CONTRACT)**
	)	
Educator Certificate #173881	)	
	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on May 8, 2013. On October 12, 2012, the South Carolina Department of Education (SCDE) sent Isaac Lee, II 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. Lee timely requested a hearing. On February 28, 2013, a hearing was held concerning Mr. Lee's alleged Breach of Contract with Bamberg School District Two.

After considering the evidence presented, the State Board hereby voted to suspend Mr. Lee's educator certificate for a period of sixty calendar days, commencing on May 8, 2013, and ending on July 7, 2013.

FINDINGS OF FACT

This case concerns a formal complaint by Bamberg School District Two (District) seeking the suspension of the Educator Certificate of Isaac Lee, II 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).

Mr. Lee holds a valid South Carolina Educator Certificate and has over seventeen years of teaching experience. The District employed Mr. Lee as Principal of the Denmark Olar Middle School. Mr. Lee held that position since 2009.

Mr. Lee signed a contract with the District to be a Professional Administrator for the 2012-2013 school year on April 24, 2012.

On August 17, 2012, Mr. Lee tendered his resignation via email stating that he was no longer physically or mentally able to perform his duties due to extenuating family circumstances necessitating that he care for his incapacitated wife, her disabled father, her elderly grandfather, and the Lee's three children, all of whom reside with Mr. Lee. Per his resignation, this matter was further complicated by the fact that Mr. Lee resides seventy-four miles away from Denmark Olar Middle School.

On August 22, 2012, the District gave Mr. Lee written notice that he would not be released from his contract until a suitable replacement could be found. The letter also stated that he was expected to honor the terms of his contract until such replacement was found. Mr. Lee's last day of work for Denmark Olar Middle School was August 24, 2012. This was the 5th day of classes for the 2012-2013 school year. Via letter dated August 30, 2012, the District notified the State Board of Mr. Lee's breach of contract. A replacement was ultimately found the first week of October 2012.

Because of the time frame of Mr. Lee's departure and the fact that this District is located in a rural area, the District was placed in a very difficult position in finding a replacement for Mr. Lee. However, Mr. Lee was instrumental in helping the District find his replacement.

On October 12, 2012, the South Carolina Department of Education (SCDE) sent Isaac Lee, II 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. Lee timely requested a hearing. On February 28, 2013, a hearing was held concerning Mr. Lee's alleged Breach of Contract with the District.

After considering the evidence presented at the February 28, 2013, hearing, the State Board finds that the evidence presented demonstrates that Mr. Lee breached his contract with the District and that a suspension of his Educator Certificate is warranted. However, Mr. Lee's dire family situation and his assistance in finding a replacement for the District are mitigating circumstances with regard to the length of the suspension to be imposed. Accordingly, the State Board finds that just cause exists to suspend Mr. Lee's Educator Certificate for a period of sixty calendar days, commencing on May 8, 2013, and ending on July 7, 2013.

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).

Since Mr. Lee was employed by the District as an Administrator, S.C. Code Ann. §59-24-15 (2004) provides that he retains his rights as a teacher under the provisions of Article 3 of Chapter 19 and Article 5 of Chapter 25 of Title 59 in this matter.

S. C. Code Ann. §59-25-530 (2004), a part of Article 5 of Chapter 25, 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 Mr. Lee breached his contract by engaging in unprofessional conduct, willfully neglecting his duty, and failing to comply with the provisions of his contract without the written consent of Bamberg County School District Two. However, the State Board acknowledges that Mr. Lee's actions were influenced by extenuating family circumstances that made it difficult for him to perform his 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 Isaac Lee, II, Educator Certificate #173881, for a period of sixty calendar days, commencing on May 8, 2013, and ending on July 7, 2013. If Mr. Lee 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 Certification, Recruitment, and Preparation, and shall meet all certification requirements in effect at the time he requests reinstatement. Mr. Lee shall also pay all applicable reinstatement fees. The suspension of Mr. Lee's Educator Certificate #173881 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty 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.

South Carolina State Board of Education

By: David W. Blackmon

David W. Blackmon, Chair

Columbia, South Carolina

May 8, 2013