

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of)
)
Christy E. Smith,)
)
Certificate 250876)

**ORDER OF SUSPENSION
(BREACH OF CONTRACT)**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on May 12, 2011. On March 9, 2011, the South Carolina Department of Education (SCDE) sent Christy E. Smith a notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. On March 21, 2011, Ms. Smith received the notice as evidenced by a postal receipt bearing her signature. Ms. Smith did not contact the SCDE to request a hearing within the time specified in the notice and is now in default.

After considering the evidence presented, the State Board voted to suspend Ms. Smith's educator certificate for a period of one year, commencing on May 12, 2011, and ending on May 11, 2012.

FINDINGS OF FACT

This case concerns a formal complaint by the Lee County School District (District) seeking the suspension of the educator certificate of Christy E. Smith 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).

Ms. Smith holds a valid South Carolina educator certificate and has over six years of teaching experience. On August 11, 2010, Ms. Smith signed a Contractual Agreement with the District for the 2010-2011 school year to work as a teacher at Lee Central Middle School. On November 29, 2010, Ms. Smith sent a letter to Lee County School District stating that she was giving notice to leave her position as an English language arts teacher due to an illness in the family. On January 19, 2011, the District Director of Human Resources, sent a letter to Ms. Smith that the Lee County Board of Trustees accepted her resignation request effective upon the

District finding a suitable replacement. On January 28, 2011, the District Director of Human Resources sent a certified letter to Ms. Smith informing her that the District had not yet found a suitable replacement and that the District expected Ms. Smith to be at work daily until the Board of Trustees released her from her contract. The District Director of Human Resources spoke to Ms. Smith on the telephone and Ms. Smith informed him that she had found another position while she was out of school caring for her terminally ill father.

On February 28, 2011, the Board of Trustees for the Lee County School District adopted a resolution asking the State Board to suspend the teaching credential of Christy E. Smith for Breach of Contract.

On March 9, 2011, the South Carolina Department of Education (SCDE) sent Ms. Smith a notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. On March 21, 2011, Ms. Smith received the notice as evidenced by a postal receipt bearing her signature. Ms. Smith did not contact the SCDE to request a hearing within the time specified in the notice and is now in default.

After considering the evidence presented, the State Board finds that the evidence presented demonstrates that Ms. Smith breached her contract with the District, and that just cause exists to suspend Ms. Smith's educator certificate for a period of one year, commencing on May 12, 2011, and ending on May 11, 2012.

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). "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." S. C. Code Ann. § 59-25-530 (2004). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (Supp. 2010), the State Board of Education has the legal authority, *inter alia*, to suspend a certificate for "willful 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 Ms. Smith breached her contract

and engaged in unprofessional conduct, willfully neglected her duty, and failed to comply with the provisions of her contract without the written consent of the Lee County School District. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Christy E. Smith, certificate 250876, for a period of one year, commencing on May 12, 2011, and ending on May 11, 2012. If Ms. Smith 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 Certification, and shall meet all certification requirements in effect at the time she requests reinstatement. Ms. Smith shall also pay all applicable reinstatement fees. The suspension of Ms. Smith's educator certificate 250876 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: 
Gerrita Postlewait, Chair

Columbia, South Carolina

May 12, 2011