

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of) **ORDER OF SUSPENSION**
)
Charles C. Emerson) **(BREACH OF CONTRACT)**
)
Certificate 905188)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 13, 2014. On May 27, 2014, the South Carolina Department of Education (SCDE) provided Charles C. Emerson with notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate, by personal service as evidenced by an affidavit of service signed by a Deputy of the Lexington County Sheriff’s Office. Mr. Emerson did not contact SCDE to request a hearing and is in default.

After considering the evidence presented, the State Board voted to suspend Mr. Emerson’s educator certificate for a period of one year, commencing on August 13, 2014, and ending on August 12, 2015.

FINDINGS OF FACT

This case concerns a formal complaint by the Lexington County School District Two (District) seeking the suspension of the educator certificate of Charles C. Emerson for unprofessional conduct as a result of his breach of contract with the District. 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. Emerson holds a valid South Carolina educator certificate and has two years of teaching experience. On April 24, 2013, Mr. Emerson signed a Contractual Agreement with the District for the 2013-2014 school year to work as a teacher. During the Fall of 2013, Mr. Emerson accepted another position during his contract obligation period with the District. The District advised Mr. Emerson of the District’s protocol regarding breach of contract. Mr. Emerson did not follow the protocol and the District was left without a teacher. On December 3,

2013, the District informed the SCDE that on October 17, 2013, the District Board of Trustees had voted to report Mr. Emerson's breach of contract to SCDE.

On January 10, 2014, and on February 19, 2014, the SCDE sent Mr. Emerson notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate for breach of contract, by regular and certified mail, return receipt requested, delivery restricted to addressee. These attempts at service by mail were unsuccessful. On May 27, 2014, the SCDE provided Mr. Emerson with notice of his right to a hearing regarding the possible suspension of his South Carolina educator's certificate for breach of contract, by personal service as evidenced by an affidavit of service signed by a Deputy of the Lexington County Sheriff's Office. Mr. Emerson did not contact SCDE to request a hearing within the specified time in the notice and is in default.

After considering the evidence presented, the State Board voted to suspend Mr. Emerson's educator certificate for a period of one year, commencing on August 13, 2014, and ending on August 12, 2015.

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*, "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) (Rev. 2004). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2011), 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 Mr. Emerson 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 Two County School Board. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Charles C. Emerson, certificate 905188, for a period of one year, commencing on August 13, 2014, and ending on August 12, 2015.

If Mr. Emerson 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. Emerson shall also pay an applicable reinstatement fee. The suspension of Mr. Emerson's educator certificate 905188 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: 
Barry F. Bolen, Chair

Columbia, South Carolina
August 13, 2014