

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

|                                 |   |                             |
|---------------------------------|---|-----------------------------|
| In the Matter of the Suspension | ) |                             |
|                                 | ) |                             |
| of the Educator Certificate of  | ) | <b>ORDER OF SUSPENSION</b>  |
|                                 | ) |                             |
| Maggie Murphy Hicks             | ) | <b>(BREACH OF CONTRACT)</b> |
|                                 | ) |                             |
| Certificate 256637              | ) |                             |
| _____                           | ) |                             |

**SUMMARY OF THE CASE**

The South Carolina State Board of Education (State Board) considered this matter on August 12, 2015. On June 5, 2015, the South Carolina Department of Education (SCDE) sent Maggie Murphy Hicks notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, certificate 256637, by regular and certified mail, return receipt requested, delivery restricted to addressee. Ms. Hicks received the notice on June 25, 2015, as evidenced by the signed postal receipt bearing her signature. Ms. Hicks did not contact the SCDE to request a hearing and is in default.

After considering the evidence presented, the State Board voted to suspend Ms. Hicks' educator certificate for a period of one year, commencing on August 12, 2015, and ending on August 11, 2016.

**FINDINGS OF FACT**

The case concerns a formal complaint by the Greenville County School District (District) seeking the suspension of the educator certificate of Maggie Murphy Hicks for breach of contract. Ms. Hicks has no prior record of disciplinary action with the State Board. 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. Hicks holds a valid South Carolina educator certificate and has over three (3) years of teaching experience. On April 25, 2014, Ms. Hicks signed a continuing contract with the

District to serve as a teacher in the District for the 2014-2015 school year. On March 19, 2015, Ms. Hicks submitted a letter to the principal informing the principal that she was resigning from her position, effective April 6, 2015.

On March 23, 2015, the District sent a letter to Ms. Hicks informing her that her request to resign did not meet the guidelines provided in District Board Policy GBO and that her decision to leave her position without proper release was considered a breach of contract while abandoning her job. The letter also informed Ms. Hicks that a formal complaint would be filed with the State Board requesting the revocation or suspension of her teaching certificate.

On April 28, 2015, the District Board of Trustees voted to recommend the suspension of Ms. Hicks' teaching credentials for breach of contract to the State Board. On May 28, 2015, the District informed SCDE of Ms. Hicks' breach of contract.

On June 5, 2015, the SCDE sent Ms. Hicks notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, certificate 256637, by regular and certified mail, return receipt requested, delivery restricted to addressee. Ms. Hicks received the notice on June 25, 2015, as evidenced by the signed postal receipt bearing her signature. Ms. Hicks did not contact SCDE to request a hearing and is in default.

After considering the evidence presented, the State Board finds that the evidence presented demonstrates that Ms. Hicks engaged in unprofessional conduct and willfully neglected her duty when she breached her contract with the District, and that just cause exists to suspend Ms. Hicks' educator certificate for a period of one year, commencing on August 12, 2015, and ending on August 11, 2016.

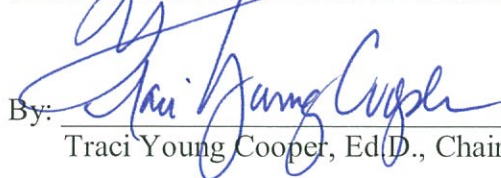
#### **CONCLUSIONS OF LAW**

"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). Pursuant to 2 S.C. Code Regs. 43-58 (2) and (14) (2011), the State Board of Education has the legal authority to suspend, *inter alia*, 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. Hicks 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 District. The evidence presented further supports the State board’s determination that just cause exists to suspend the educator certificate of Maggie Murphy Hicks, certificate 256637, for a period of one year, commencing on August 12, 2015, and ending on August 11, 2016. If Ms. Hicks wishes to have her certificate reinstated at the end of the suspension period, she shall make a written request to the SCDE’s Office of Educator Services and shall meet all certification requirements in effect at the time she requests reinstatement. Ms. Hicks shall also be responsible for paying any applicable reinstatement fees. The suspension of Ms. Hicks, educator certificate 256637 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:   
Traci Young Cooper, Ed.D., Chair