

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Ebelechukwu Osemene,	)	(BREACH OF CONTRACT)
	)	
<u>Certificate 193868</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on December 9, 2015. On May 28, 2014, the South Carolina Department of Education (SCDE) attempted to serve Ebelechukwu Osemene 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. After several unsuccessful attempts to serve Mr. Osemene, the Richland County Sheriff's Office personally served him with notice on October 23, 2015. Mr. Osemene did not request a hearing in a timely manner in this matter and is in default.

After considering the evidence presented, the State Board voted to suspend Mr. Osemene's educator certificate for a period of one year, commencing on December 9, 2015, and ending on December 8, 2016.

FINDINGS OF FACT

This case concerns a formal complaint by the Bamberg County School District Two (District) recommending the suspension of the educator certificate of Ebelechukwu Osemene for breach of contract. 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. Osemene holds a valid South Carolina educator certificate and has over three years of teaching experience. On August 12, 2013, Mr. Osemene signed a Contractual Agreement with the District for the 2013-2014 school year. Mr. Osemene failed to report to work after Monday, February 24, 2014. He did not notify the District administration regarding his absence and was not on any approved leave. The District made repeated, unsuccessful attempts to

contact Mr. Osemene. In correspondence dated March 13, 2014, Mr. Osemene stated that he quit his job with the District and was unable to complete his contract year.

On March 24, 2014, the District Board of Trustees found that Ms. Osemene failed to comply with the provisions of his contract without the written consent of the District Board of Trustees and that is behavior constituted a breach of his Employment Agreement with the District. The District voted to report Ms. Osemene's breach of contract to SCDE and the State Board. On March 25, 2014, the District reported this matter to SCDE requesting that the State Board suspend Mr. Osemene's teaching certificate.

On May 28, 2014, the South Carolina Department of Education (SCDE) first attempted to serve Mr. Osemene with 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. After many unsuccessful attempts to serve, Mr. Osemene was served on October 23, 2015, via personal service by the Richland County Sheriff's Department. Mr. Osemene did not request a hearing in a timely manner in this matter and is in default.

After considering the evidence presented, the State Board finds that the evidence presented demonstrates that Mr. Osemene breached his contract with the District, and that just cause exists to suspend Mr. Osemene's educator certificate for a period of one year, commencing on December 9, 2015, and ending on December 8, 2016.

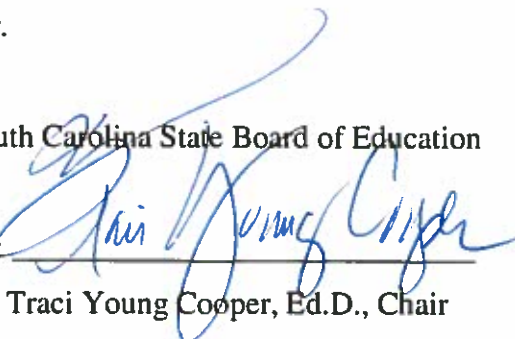
CONCLUSIONS OF LAW

"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 (Rev. 2004). Just cause includes, *inter alia*, "unprofessional conduct" and "wilful 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 "wilful 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. Osemene breached his contract and engaged in unprofessional conduct, wilfully neglected his duty, and failed to comply with the provisions of his contract without the written consent of the Bamberg County School District. The evidence presented further supports the State Board's determination that just cause exists to

suspend the educator certificate of Ebelechukwu Osemene, certificate 193868, for a period of one year, commencing on December 9, 2015, and ending on December 8, 2016. If Mr. Osemene 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 she requests reinstatement. Mr. Osemene shall also pay the applicable reinstatement fee. The suspension of Mr. Osemene's educator certificate 193868 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

Columbia, South Carolina
December 9, 2015