BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension of the Educator Certificate of Mitchell Blake Moore, Certificate 265750	)))))))	**ORDER OF SUSPENSION** **(BREACH OF CONTRACT)**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 11, 2017. On January 13, 2017, the South Carolina Department of Education (SCDE) served Mitchell Blake Moore 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. On February 24, 2017, the SCDE informed Mr. Moore via regular and certified mail that the State Board would meet on April 11, 2017, to consider the circumstances surrounding his breach of contract. Mr. Moore declined to sign for the notice letters sent by certified mail, return receipt requested, delivery restricted to addressee and his address has been verified by the SCDE. Under the South Carolina Rules of Civil Procedure 5(b), Mr. Moore has been given fair notice of constitutional due process. Mr. Moore has not contacted the SCDE to request a hearing and is now in default. After considering the evidence presented, the State Board voted to suspend Mr. Moore's educator certificate for a period of one year, commencing on April 11, 2017, and ending on April 10, 2018.

FINDINGS OF FACT

This case concerns a formal complaint by the Orangeburg Consolidated School District Four (District) recommending the suspension of the educator certificate of Mitchell Blake Moore for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2016) and S.C. Code Ann § 59-25-530 (2016).

Mr. Moore received his certificate through the Program for Alternative Certification for Educators (PACE) on July 1, 2013, and has three years of teaching experience in South Carolina. Mr. Moore signed a Contractual Agreement with the District to serve as a teacher for Edisto High School for the 2016-2017 school year on April 19, 2016. On October 4, 2016, Mr. Moore

turned in his resignation to the principal, effective immediately. The District informed Mr. Moore on October 4, 2016, that the District could not accept his letter of resignation without first securing a suitable replacement. The District also informed Mr. Moore that his leaving his position before a suitable replacement had been secured was considered a breach of contract that would be reported by the District to the State Board. Mr. Moore failed to report to work. On October 20, 2016, the District informed Mr. Moore that his resignation and breach of contract would be presented to the District Board with a recommendation that his breach of contract be reported to the State Board. On December 16, 2016, the District reported Mr. Moore's breach of contract to SCDE.

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 (2016). Just cause includes, *inter alia*, "willful violation of the rules and regulations of the State Board of Education" and "unprofessional conduct." S.C. Code Ann. § 59-25-160 (3) and (4) (Supp. 2016). Pursuant to S.C. Code Ann. § 59-25-530 (2016), "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." 24 S.C. Code Ann. Regs. 43-58 (2) and (14) (2016), provide that 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. Moore breached his contract, engaged in unprofessional conduct, and failed to comply with the provisions of his contract without the consent of the District.

The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Mitchell Blake Moore, certificate 265750 for a period of one year, commencing on April 11, 2017, and ending on April 10, 2018. If Mr. Moore 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. Moore shall also pay the applicable reinstatement fee. The suspension of Mitchell Blake Moore's educator

certificate 265750 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: _____

Ivan Randolph, Ph.D., Chair

Columbia, South Carolina
April 11, 2017