BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension of the Educator Certificate of Elaine M. Meyer, Certificate 282387	)	**ORDER OF SUSPENSION (BREACH OF CONTRACT)**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on December 12, 2017. On October 20, 2017, the South Carolina Department of Education (SCDE) sent Elaine M. Meyer a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate regarding her alleged breach of contract with the Chester County School District. On October 27, 2017, Ms. Meyer received the notice as evidenced by proof of service from the U.S. Postal Service. Ms. Meyer did not request a hearing in this matter and is in default.

After considering the evidence presented, the State Board voted to suspend Ms. Meyer's educator certificate for a period of one year, commencing December 12, 2017, and ending December 11, 2018.

FINDINGS OF FACT

This case concerns a formal complaint by the Chester County School District (District) seeking the suspension of the educator certificate of Elaine M. Meyer 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. Meyer holds a valid South Carolina educator certificate and has over 25 years of out of state teaching experience. On June 29, 2017, Ms. Meyer signed a Contractual Agreement with the District for a 2017-2018 school year teaching position.

On September 20, 2017, Ms. Meyer sent a letter to Mr. Edmond, Lewisville Middle School Principal, stating that due to health reasons, she would have to resign from her position, effective October 14, 2017. Mr. Wendell B. Sumter, Chief Human Resource Teacher Quality Officer with the District, responded to Ms. Meyer in an email advising Ms. Meyer that he would

not release her from her contract and cited Policy GCQC/GCQD (Resignation of Professional Instructional/Administrative Staff). Mr. Sumter further urged Ms. Meyer to speak with the benefits coordinator for assistance with her employment status and health conditions. On October 1, 2017, Ms. Meyer addressed the District Board by letter requesting again to be released from her contract due to her health concerns and acknowledging the consequences of a denial of her request to be released. On October 9, 2017, Mr. Sumter notified Ms. Meyer the District Board did not accept her resignation. He further noted in his letter that the medical documentation she had provided stated that she was eligible to return to work without restrictions and that if she failed to return to work, her breach of contract would be reported to the SCDE. Ms. Meyer did not report to work. On October 18, 2017, the District reported the breach of contract to the SCDE, and noted Ms. Meyer was actively seeking employment with other school districts in South Carolina.

After considering the evidence presented, the State Board voted to suspend Ms. Meyer's educator certificate for a period of one year, commencing December 12, 2017, and ending December 11, 2018.

CONCLUSIONS OF LAW

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." 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 24 S.C. Code Regs. 43-58 (2) and (14) (Supp. 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."

With respect to breach of contract, "any teacher who fails to comply with the provisions of his [of her] contract without written consent of the school board shall be deemed guilty of unprofessional conduct." S.C. Code Ann. § 59-25-530 (2004). "Upon the formal complaint of the school board, substantiated by conclusive evidence, the state board shall suspend or revoke the teacher's certificate, for a period not to exceed one calendar year." *Id.*

The State Board finds that the evidence presented demonstrates that Ms. Meyer breached her contract and engaged in unprofessional conduct, willfully neglected her duty, and failed to comply with the provision of her contract without the written consent of the Chester County Board of Education. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Elaine M. Meyer, certificate 282387, for a period of one year, commencing December 12, 2017, and ending December 11, 2018. If Ms. Meyer 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, Recruitment, and Preparation, and shall meet all certification requirements in effect at the time she requests reinstatement. Ms. Meyer shall also pay all applicable reinstatement fees. The suspension of Ms. Meyer's educator certificate 282387 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within 30 days from the date of this order with the reason stated as "unprofessional conduct, 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: Ivan Randolph, Ph.D., Chair

Columbia, South Carolina
December 12, 2017