

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the)
)
Educator Certificate of)
)
Michael L. Thomas,)
)
Certificate 208556)

**CONSENT ORDER
OF PUBLIC REPRIMAND
(BREACH OF CONTRACT)**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on May 9, 2017. On November, 28, 2016, the South Carolina Department of Education (SCDE) served Michael L. Thomas 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. Mr. Thomas received the notice on November 29, 2017, as confirmed by the United States Postal Service tracking receipt. After Mr. Thomas received the notice, his attorney contacted the SCDE and requested a hearing in this matter. A hearing was scheduled for April 6, 2017. On April 5, 2017, the Charleston County School District informed SCDE that the parties were discussing an alternate resolution in this matter and requested that the hearing be postponed. Mr. Thomas, by and through his counsel, has waived his right to a hearing as the parties have agreed to resolve this matter and enter into this Consent Order of Public Reprimand. After considering the evidence presented, the State Board voted to accept the Consent Order of Public Reprimand.

Accepted:
Michael L.
Thomas
208556

MLT
Initial Here

FINDINGS OF FACT

This case concerns a formal complaint by the Charleston County School District (District) recommending the suspension of the educator certificate of Michael L. Thomas 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 (2016).

Mr. Thomas holds a professional South Carolina educator certificate and has over fourteen years of teaching experience. Mr. Thomas signed a Contractual Agreement (Notice of Reassignment) with the District to serve as a teacher for the 2016-2017 school year on July 20, 2016. On August 3, 2016, Mr. Thomas submitted to the District his resignation, effective immediately. The first date of return for teachers was August 8. On August 4, 2016, the District

informed Mr. Thomas that District policy required thirty days' notice of resignation and that the District expected him to continue to report to work for 30 days or until a suitable replacement was identified, whichever was earlier. The District also notified Mr. Thomas that his failure to report to work would be considered a breach of contract which could put his teaching certificate at risk. Mr. Thomas did respond to the District stating that his reason for his resignation without notice was that he had accepted a job in Savannah. Mr. Thomas did not report to work thereafter. On November 3, 2016, the District reported Mr. Thomas's breach of contract to SCDE and requested that the State Board take disciplinary action on Mr. Thomas's educator certificate.

Prior to the hearing in this matter, District counsel and counsel for Mr. Thomas began settlement negotiations. Mr. Thomas presented mitigating factors for his breach of contract with the District. The mitigating factors include the fact that his assignment changed twice that summer, that he had notified his principal in July that he had applied for a job in Savannah, and that he understood that he would not have students for the first thirty days or so of school anyway. In order to resolve this matter without a hearing, the District agrees that a public reprimand is an appropriate sanction in this matter and Mr. Thomas agrees that he will not seek employment with the District in the future.

Accepted:
Michael L.
Thomas
208556

MLT

Initial Here

Mr. Thomas has agreed to waive his right to a hearing and to resolve this disciplinary matter by entering into this Consent Order of Public Reprimand, subject to the following terms: (1) a Public Reprimand shall be issued by the State Board, (2) the Public Reprimand shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order, and (4) the Consent Order of Public Reprimand shall be posted on the SCDE's website and shall be maintained as a public record in the SCDE's Office of General Counsel. After considering the evidence presented, the State Board voted to accept the Consent Order of Public Reprimand with the terms set forth above.

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*, "willful violation of the rules and regulations of the State Board of Education" and

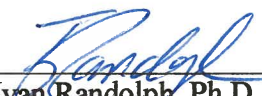
“unprofessional conduct.” S.C. Code Ann. § 59-25-160 (3) and (4) (Supp. 2016). Pursuant to S.C. Code Ann. § 59-25-530 (2004), “any teacher who fails to comply with the provisions of his contract without the written consent of the school board shall be deemed guilty of unprofessional conduct.” 24 S.C. Code Ann. Regs. 43-58 (2) and (14) (2011), provide that 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 supports its conclusion that just cause does not exist to suspend or revoke the educator certificate of Michael L. Thomas; however the evidence presented, which is undisputed by Mr. Thomas, demonstrates that Mr. Thomas breached his contract with the District in violation of District policy due to his failure to provide adequate notice of his resignation. The State Board finds, as mitigating factors the fact that his assignment had been changed twice during the summer, that he had notified his principal in July of a pending job opportunity in Savannah, and that he understood that he would not have students assigned for the first thirty days of school. The State Board further finds that just cause exists for the acceptance by the State Board of the Consent Order of Public Reprimand

Now, therefore, it is hereby ordered that the Consent Order of Public Reprimand is accepted and a public reprimand is issued to Michael L. Thomas, certificate 208556. The public reprimand of Michael L. Thomas, certificate 208556, shall be reported to NASDTEC 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


Ivan Randolph, Ph.D., Chair

Columbia, South Carolina
May 9, 2017

Accepted:
Michael L.
Thomas
208556



Initial Here

I, Michael L. Thomas, S.C. Educator Certificate 142454, have read the Consent Order of Public Reprimand, consisting of four pages, and I freely and voluntarily agree to the terms set forth therein. I agree to the proposed Consent Order of Public Reprimand, consisting of four pages, and understand that this Order will be presented as signed to the South Carolina State Board of Education on May 9, 2017.



Michael L. Thomas

4/28/2017

Date



Attorney for Mr. Thomas

5/1/2017

Date

This Consent Order of Public Reprimand represents the alternative resolution agreement terms reached between the Charleston County School District and Mr. Thomas, by and through his counsel. The Charleston County School District, by way of negotiations with Mr. Thomas, by and through his counsel, executed and entered in to this Consent Order of Public Reprimand.

Charleston County School District

By: _____
General Counsel

Date

I, Michael L. Thomas, S.C. Educator Certificate 142454, have read the Consent Order of Public Reprimand, consisting of four pages, and I freely and voluntarily agree to the terms set forth therein. I agree to the proposed Consent Order of Public Reprimand, consisting of four pages, and understand that this Order will be presented as signed to the South Carolina State Board of Education on May 9, 2017.

Michael L. Thomas

Date

Attorney for Mr. Thomas

Date

This Consent Order of Public Reprimand represents the alternative resolution agreement terms reached between the Charleston County School District and Mr. Thomas, by and through his counsel. The Charleston County School District, by way of negotiations with Mr. Thomas, by and through his counsel, executed and entered in to this Consent Order of Public Reprimand.

Charleston County School District

By: _____

General Counsel

4-27-2017

Date