

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of)
)
Aubrey Victoria Adams,)
)
Certificate 284058)
_____)

ORDER OF SUSPENSION

(BREACH OF CONTRACT)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 10, 2018. On March 6, 2018, the South Carolina Department of Education (SCDE) sent Aubrey Victoria Adams 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 Rock Hill Schools/York County District Three (District). Ms. Adams received the certified mail on or before March 12, 2018, as evidenced by the signed postal receipt. Ms. Adams 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 Ms. Adams' educator certificate for a period of one year, commencing on April 10, 2018, and ending on April 9, 2019.

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FINDINGS OF FACT

This case concerns a formal complaint by the District seeking the suspension of the educator certificate of Aubrey Victoria Adams for breach of contract. The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2017) and S.C. Code Ann. § 59-25-530 (2017).

On July 2, 2017, Ms. Adams signed an Induction Contract with the District for the 2017-2018 school year agreeing to serve as a Third Grade Teacher at Oakdale Elementary School (School).

On January 22, 2018, Ms. Adams resigned from her teaching position, effective February 2, 2018. Ms. Adams further notified the District that she did not intend on returning to the

teaching profession. On January 23, 2018, the District notified Ms. Adams of the expectation that she continue to work until a suitable replacement was made. On February 26, 2018, the District Board of Trustees voted to recommend the suspension of Ms. Adams's South Carolina teaching credential to the SCDE. On February 28, 2018, the District office notified Ms. Adams that she was not in compliance with Policy GCQC-GCQD – Resignation of Professional Staff, that her separation was deemed a breach of contract and that the matter had been presented to the District Board of Trustees. On February 28, 2018, the District reported the breach of contract to the SCDE.

After considering the evidence presented, the State Board voted to suspend Ms. Adams's educator certificate for a period of one year, commencing April 10, 2018, and ending on April 9, 2019.

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) (2017). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (Supp. 2017), 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 (2017). "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. Adams 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 York County Board of Trustees. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Aubrey Victoria Adams, certificate 284058,

for a period of one year, commencing April 10, 2018, and ending on April 9, 2019. If Ms. Adams 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 Services and shall meet all certification requirements in effect at the time she requests reinstatement. Ms. Adams shall also pay all applicable reinstatement fees. The suspension of Ms. Adams's educator certificate 284058 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: Dr. Sharon Wall / [Signature]
Sharon Wall, Ed.D., Chair

Columbia, South Carolina
April 10, 2018