

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	CONSENT ORDER OF SUSPENSION
	)	
Lawrence Marklin Ochieng,	)	(BREACH OF CONTRACT)
	)	
<u>Certificate 261642</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 10, 2018. On November 6, 2017, the South Carolina Department of Education (SCDE) sent Lawrence Marklin Ochieng a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate regarding his alleged breach of contract with the Greenville County School District. SCDE has verified Mr. Ochieng's address and the letters sent via regular mail have not been returned. On December 14, 2017, January 2, 2018, and February 20, 2018, the SCDE informed Mr. Ochieng via regular and certified mail that the State Board would meet on March 13, 2018, to consider the circumstances surrounding his breach of contract. Mr. Ochieng contacted the SCDE and requested a hearing. Prior to the scheduling of the hearing, Mr. Ochieng agreed to waive his right to a hearing and enter into this Consent Order of Suspension.

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

Lawrence
Marklin
Ochieng
261642

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FINDINGS OF FACT

This case concerns a formal complaint by Greenville County School District (District) seeking the suspension of the educator certificate of Lawrence Marklin Ochieng 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).

Mr. Ochieng holds a South Carolina educator certificate and has over five years of teaching experience. On April 5, 2017, Mr. Ochieng signed a Contract with the District for a 2017-2018 school year teaching position at Fountain Inn Elementary School (School).

On September 6, 2017, Mr. Ochieng sent a letter to Mr. Reabold, the School's Principal, resigning from his position, effective September 22, 2017. On September 7, 2017, the District office notified Mr. Ochieng that he was not in compliance with Policy GBO – Classification of Employees: Resignation, that his separation was deemed a breach of contract and that the matter would be presented to the District Board of Trustees and subsequently reported to the SCDE. On October 24, 2017, the District Board of Trustees voted to recommend the suspension of Mr. Ochieng's South Carolina teaching credential. On November 3, 2017, the District reported the breach of contract to the SCDE.

Mr. Ochieng was given notice of his right to a hearing. He subsequently agreed to waive his right to a hearing and enter into this Consent Order of Suspension.

After considering the evidence presented, the State Board finds that the evidence presented demonstrates that Mr. Ochieng breached his contract with the District, and that just cause exists to suspend Mr. Ochieng's certificate for a period of one year, commencing on 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." S.C. Code Ann. § 59-25-150 (20017). 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) (2017). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2017), 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. Ochieng breached his contract without the consent and/or approval of the District. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Mr. Ochieng for a period of one year, commencing on April 10, 2018, and ending on April 9, 2019.

The suspension of Mr. Ochieng's educator certificate 284663 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

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AND IT IS SO ORDERED.

South Carolina State Board of Education

By: Dr. Sharon Wall
Sharon Wall, Ed.D., Chair

Columbia, South Carolina
April 10, 2018

I, Lawrence Marklin Ochieng, SC Educator Certificate 261642, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator certificate holders and that I have waived my right to a hearing in this matter. I agree that during the period of suspension, I will not serve as a volunteer in any type of educator role or be employed as an educator, paraprofessional, aide, substitute teacher, coach or in any other position in a public school in the State of South Carolina. I understand the terms set forth in this Consent Order of Suspension are not subject to reconsideration, collateral attack or judicial review. I agree to the terms of this Consent Order of Suspension, consisting of three pages, and understand that this Order will be presented to the State Board for approval on April 10, 2018. I understand this Order will not become effective until approved by the State Board and, if not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the State Board to adjudicate this matter.

Lawrence Ochieng
Lawrence Marklin Ochieng

4/21/18
Date