

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of)
)
Thomas T. Balkcom,)
)
Certificate 263852)
_____)

**ORDER OF SUSPENSION
(BREACH OF CONTRACT)**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 14, 2018. On May 7, 2018, the South Carolina Department of Education (SCDE) sent Thomas T. Balkcom 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. On June 26, 2018, Mr. Balkcom was sent a final notice of his right to a hearing. SCDE has verified Mr. Balkcom’s address and the letters sent via regular mail have not been returned. Under the South Carolina Rules of Civil Procedure 5(b), Mr. Balkcom has been given fair notice of constitutional due process. Mr. Balkcom 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. Balkcom’s educator certificate for a period of one year, commencing on August 14, 2018, and ending on August 13, 2019.

FINDINGS OF FACT

This case concerns a formal complaint by Jasper County School District One (District) seeking the suspension of the educator certificate of Thomas T. Balkcom 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 August 3, 2017, Mr. Balkcom signed an Continuing Formative Contract with the District for the 2017-2018 school year. On March 23, 2018, Mr. Balkcom resigned from his teaching position, effective April 2, 2018, noting severe medical issues with his daughter in Atlanta who needed his assistance. The District requested documentation from a medical professional in order that the Board could consider his resignation. Despite being reminded to submit the documentation on April 2, 2018, Mr. Balkcom never responded to the District. On

April 2, 2018, the District notified Mr. Balkcom that his resignation was deemed a breach of contract and that the matter would be presented to the District Board of Trustees. On April 16, 2018, the Board of Trustees voted to approve reporting Mr. Balkcom for breach of contract to the SCDE. On April 19, 2018, the District notified Mr. Balkcom that the Board had not accepted his resignation and subsequently reported the breach of contract matter to the SCDE.

After considering the evidence presented, the State Board voted to suspend Mr. Balkcom's educator certificate for a period of one year, commencing August 14, 2018, and ending on August 13, 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 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 Mr. Balkcom breached his contract and engaged in unprofessional conduct, willfully neglected his duty, and failed to comply with the provision of his contract without the written consent of the Jasper County Board of Trustees. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Thomas T. Balkcom, certificate 263852, for a period of one year, commencing August 14, 2018, and ending on August 13, 2019. If Mr. Balkcom 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

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and shall meet all certification requirements in effect at the time he requests reinstatement. Mr. Balkcom shall also pay all applicable reinstatement fees. The suspension of Mr. Balkcom's educator certificate 263852 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:  for
Sharon Wall, Ed.D., Chair

Columbia, South Carolina
August 14, 2018