

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Nicole Mary Weesner,	)	(BREACH OF CONTRACT)
	)	
Certificate 905105	)	
_____	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 14, 2018. On March 27, April 9, and May 16, 2018, the South Carolina Department of Education (SCDE) sent Nicole Mary Weesner a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. On June 19, 2018, Ms. Weesner was sent a final notice of her right to a hearing. The SCDE has verified Ms. Weesner's address and the letters sent via regular mail have not been returned. Ms. Weesner declined to sign for the notice letters sent by certified mail, return receipt requested, delivery restricted to addressee. Under the South Carolina Rules of Civil Procedure 5(b), Ms. Weesner has been given fair notice of constitutional due process. Ms. Weesner 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. Weesner's educator certificate for a period of one year, commencing August 14, 2018, and ending on August 13, 2019.

FINDINGS OF FACT

This case concerns a formal complaint by the Berkeley County School District seeking the suspension of the educator certificate of Nicole Mary Weesner 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 May 23, 2017, Ms. Weesner signed a contract to work for Berkeley County School District. On January 23, 2018, Ms. Weesner submitted her resignation along with her badge and keys, effective January 13, 2018. The District did not accept this resignation and terminated Ms. Weesner effective February 12, 2018. On February 12, 2018, and February 28, 2018, the

Berkeley County School District notified the SCDE that Ms. Weesner failed to perform her contractual duties by not reporting to work and failing to contact the school to report her absence or leave status. On March 5, 2018, the District Chief Human Resource Officer notified Ms. Weesner that her employment had been terminated for failure to perform her contractual duties.

After considering the evidence presented, the State Board voted to suspend Ms. Weesner'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 [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. Weesner 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 Berkeley County Board of Trustees. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Nicole Mary Weesner, certificate 905105, for a period of one year, commencing August 14, 2018, and ending on August 13, 2019. If Ms. Weesner 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. Weesner shall also

pay all applicable reinstatement fees. The suspension of Ms. Weesner's educator certificate 905105 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: 
Sharon Wall, Ed.D., Chair

Columbia, South Carolina
August 14, 2018