

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Sally Annette Chandler,	)	(BREACH OF CONTRACT)
	)	
Certificate 277434	)	
_____	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on January 9, 2018. On October 19, 2017, the South Carolina Department of Education (SCDE) sent Sally Annette Chandler 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 Marion County School District Ten (District). On November 6, 2017, Ms. Chandler received the notice as evidenced by proof of service from the U.S. Postal Service. Ms. Chandler did not request a hearing in this matter and is in default.

After considering the evidence presented, the State Board voted to suspend Ms. Chandler's educator certificate for a period of one year, commencing January 9, 2018, and ending January 8, 2019.

FINDINGS OF FACT

This case concerns a formal complaint by the District seeking the suspension of the educator certificate of Sally Annette Chandler 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).

Ms. Chandler holds a valid South Carolina educator certificate and has over nine years of teaching experience. On March 28, 2017, Ms. Chandler signed a Contractual Agreement with the District for a 2017-2018 school year teaching position at McCormick Elementary School (School).

On August 27, 2017, Ms. Chandler sent an email to several School employees, including Paula Grant, Director of Human Resources, stating that due to personal reasons, she was immediately resigning from her position and would be remaining in West Virginia to address

family issues. On August 28, 2017, Ms. Grant responded to Ms. Chandler requesting that she call her. Ms. Grant spoke with Ms. Chandler on August 29, 2017 at approximately 2:05 p.m. and discussed the resignation, including offering her FMLA time to address the health concerns of her family. Ms. Chandler responded to Ms. Grant the same day at approximately 9:50 a.m., and reiterated her desire to remain in West Virginia and not return to her position. On September 5, 2017, the District sent a letter to Ms. Chandler informing her that her resignation would be presented to the District Board at the September 19, 2017 board meeting. On September 22, 2017, the District sent a letter to Ms. Chandler advising her that in accordance with District protocol, her request for release from her contract was not granted and that her separation from her duties was deemed a breach of contract. On October 5, 2017, the District reported Ms. Chandler's breach of contract to the SCDE.

After considering the evidence presented, the State Board voted to suspend Ms. Chandler's educator certificate for a period of one year, commencing January 9, 2018, and ending January 8, 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) (2004). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (Supp. 2011), 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 (2004). "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. Chandler 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 Marion County Board of Education. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Sally Annette Chandler, certificate 277434, for a period of one year, commencing January 9, 2018, and ending January 8, 2019. If Ms. Chandler 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 Certification, Recruitment, and Preparation, and shall meet all certification requirements in effect at the time she requests reinstatement. Ms. Chandler shall also pay all applicable reinstatement fees. The suspension of Ms. Chandler's educator certificate 277434 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
Dr. Sharon Wall, Chair

Columbia, South Carolina
January 9, 2018