

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Discipline)
)
of the Educator Certificate of)
)
Neptali Roman Chang)
)
Certificate 275264)

ORDER OF SUSPENSION

(BREACH OF CONTRACT)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on January 9, 2018. The South Carolina Department of Education (SCDE) notified Neptali Roman Chang (Chang) of his right to a hearing regarding the possible suspension of his South Carolina Educator Certificate by letter dated November 9, 2017, sent via certified and regular U.S. Mail. Chang timely requested a hearing and such was held on December 4, 2017.

After considering the evidence presented, the State Board hereby voted to suspend Chang's educator certificate for a period of one (1) calendar year, commencing on January 9, 2018, and ending on January 9, 2019.

FINDINGS OF FACT

This case concerns a formal complaint by Lexington School District Two (District) seeking the suspension of the Educator Certificate of Chang 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).

Chang holds a valid South Carolina Educator Certificate and was employed by the District to teach Spanish at Pine Ridge Middle School and Busbee Creative Arts Academy. He signed an Annual 2 Summative contract with the District for the 2017-2018 school year. Chang never reported for duty or provided any notice to the District. The District attempted to contact Chang via email and U.S. Mail to no avail. It was later discovered that Chang had begun teaching at Silver Bluff High School on August 16, 2017 and is currently employed there.

By letter dated August 16, 2017, sent certified and regular mail, the District attempted to notify Chang that his employment was terminated due to job abandonment and that such would be reported to the Lexington Two Board of Trustees (School Board) on August 24, 2017. This letter was addressed to 1028 Orangeburg Drive, Apt. B, West Columbia, SC 29069, which was

the only address Chang had provided the District. This letter came back to the District undelivered. On August 24, 2017, the School Board voted that a formal complaint be sent to SCDE regarding Chang's abandonment of his position.

The South Carolina Department of Education (SCDE) sent Chang a notice of his right to a hearing regarding the possible suspension of his South Carolina Educator Certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. Chang timely requested a hearing and such was held on December 4, 2017.

After considering the evidence presented at the hearing, the State Board finds that Chang breached his contract with the District. As such, a suspension of his Educator Certificate is warranted.

The District has been unable to find a suitable replacement for the position to date. Chang's conduct placed the District in the difficult situation of having to fill the position immediately with a substitute who is unqualified to teach Spanish. This has created a significant hardship on the District, school administration, and the students. Accordingly, the Board finds that just cause exists to suspend Chang's Educator Certificate for a period of one (1) calendar year, commencing on January 9, 2018, and ending on January 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 (2004). Just cause includes, *inter alia*, "unprofessional conduct". S.C. Code Ann. § 59-25-160 (4) (2004).

S. C. Code Ann. §59-25-530 (2004) provides that a teacher who fails to comply with the provisions of his or her contract without the written consent of the school board is deemed guilty of unprofessional conduct and subject to suspension of the educator certificate for up to one calendar year.

The State Board finds that the evidence presented demonstrates that Chang engaged in unprofessional conduct by failing to comply with the provisions of his contract without notice or consent of the District. Accordingly, the evidence presented supports the State Board's determination that just cause exists to suspend the Educator Certificate of Neptali Roman Chang,

Educator Certificate #275264, for a period of one (1) calendar year, commencing on January 9, 2018, and ending on January 9, 2019. If Chang 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 Certification, Recruitment, and Preparation, and shall meet all certification requirements in effect at the time he requests reinstatement. Chang shall also pay all applicable reinstatement fees. The suspension of Neptali Roman Chang's Educator Certificate #275264 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty (30) days from the date of this order with the reason stated as "unprofessional conduct for breach of contract, failure to comply with the provisions of a contract without providing notice or obtaining consent of the local school board."

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: Sharon Wall
Dr. Sharon Wall, Board Chair

Columbia, South Carolina
January 9, 2018