

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Christopher J. Gillespie,	)	(BREACH OF CONTRACT)
	)	
Certificate 200705	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 12, 2018. On February 8, 2018, the South Carolina Department of Education (SCDE) sent Christopher J. Gillespie 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 Fairfield County District (District). The SCDE has verified Mr. Gillespie's address and the letter sent via regular mail have not been returned. Mr. Gillespie declined to sign for the notice letter. On April 19, 2018, the SCDE informed Mr. Gillespie via regular and certified mail that the State Board would meet on June 12, 2018, to consider the circumstances surrounding his breach of contract. Mr. Gillespie declined to sign for the certified mail and the letter sent regular mail has not been returned. Under the South Carolina Rules of Civil Procedure 5(b), Mr. Gillespie has been given fair notice of constitutional due process. Mr. Gillespie 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. Gillespie's educator certificate for a period of one year, commencing June 12, 2018, and ending on June 11, 2019.

FINDINGS OF FACT

This case concerns a formal complaint by the District seeking the suspension of the educator certificate of Christopher J Gillespie 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 April 26, 2017, Mr. Gillespie signed a Continuing Contract with the District for the 2017-2018 school year, agreeing to serve as a band director at Fairfield Middle School (School).

On September 15, 2017, Mr. Gillespie resigned from his teaching position, effective immediately. On September 20, 2017, the District notified Mr. Gillespie that he was not in compliance with Policy GCQC-GCQD –Resignation of Instructional Staff/ Administrative Staff, that his separation was deemed a breach of contract and that the matter would be presented to the District Board of Trustees. The District further explained to Mr. Gillespie that in accordance with the Family Medical Leave Act (FMLA) and applicable District leave policies, the District would be willing to assist with his concerns over his mother’s health. Mr. Gillespie never responded to the District and did not return to work. On October 17, 2017, the Board of Trustees voted to approve the reporting of Mr. Gillespie for breach of contract to the SCDE. On February 5, 2018, the District reported the breach of contract to the SCDE.

After considering the evidence presented, the State Board voted to suspend Mr. Gillespie’s educator certificate for a period of one year, commencing June 12, 2018, and ending on June 11, 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 [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 Mr. Gillespie 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 Fairfield

County Board of Trustees. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Christopher J. Gillespie, certificate 200705, for a period of one year, commencing June 12, 2018, and ending on June 11, 2019. If Mr. Gillespie 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 and shall meet all certification requirements in effect at the time he requests reinstatement. Mr. Gillespie shall also pay all applicable reinstatement fees. The suspension of Mr. Gillespie's educator certificate 200705 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
Sharon Wall, Ed.D., Chair

Columbia, South Carolina
June 12, 2018