

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Paul S. O'Neal,	)	(BREACH OF CONTRACT)
	)	
Certificate 212461	)	
_____	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 12, 2018. On March 30, 2018, and April 9, 2018, the South Carolina Department of Education (SCDE) sent Paul S. O'Neal a notice letter via regular and certified mail informing him of his right to a hearing regarding the possible suspension of his South Carolina educator certificate regarding his alleged breach of contract with the Greenville County District (District). The SCDE has verified Mr. O'Neal's address and the letters sent via regular mail have not been returned. Mr. O'Neal declined to sign for the notice letters. On May 7, 2018, the SCDE informed Mr. O'Neal 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. O'Neal 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. O'Neal has been given fair notice of constitutional due process. Mr. O'Neal 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. O'Neal'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 Paul S. O'Neal 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 18, 2017, Mr. O'Neal signed a Continuing Contract with the District for the 2017-2018 school year, agreeing to serve as a teacher at Fisher Middle School (School).

On March 8, 2018, Mr. O'Neal submitted his resignation, effective March 22, 2018, informing the District that he had accepted a position with an engineering firm. On March 20, 2018, the District notified Mr. O'Neal that he was not in compliance with Policy GBO that his separation was deemed a breach of contract and that the matter would be presented to the District Board of Trustees. On March 27, 2018 the Board of Trustees voted to approve the reporting of Mr. O'Neal for breach of contract to the SCDE. On March 28, 2018, the District reported the breach of contract to the SCDE.

After considering the evidence presented, the State Board voted to suspend Mr. O'Neal'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. O'Neal 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 Greenville County Board of Trustees. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Paul S. O'Neal, certificate 212461, for a period of one year, commencing June 12, 2018, and ending on June 11, 2019. If Mr. O'Neal

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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. O'Neal shall also pay all applicable reinstatement fees. The suspension of Mr. O'Neal's educator certificate 212461 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