

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Charles D. Phillips,	)	(BREACH OF CONTRACT)
	)	
Educator Certificate #905246	)	
_____	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 12, 2018. The South Carolina Department of Education (SCDE) notified Charles D. Phillips (Phillips) of his right to a hearing regarding the possible suspension of his South Carolina Educator Certificate by letter dated January 20, 2018, sent via certified and regular U.S. Mail. Mr. Phillips timely requested a hearing. On April 13, 2018, a hearing was held concerning Mr. Phillips' alleged Breach of Contract with the Greenville County School District (District).

After considering the evidence presented, the State Board hereby voted to suspend Mr. Phillips' educator certificate for a period of one (1) calendar year, commencing on 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 Mr. Phillips 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).

Mr. Phillips holds a valid South Carolina Educator Certificate and was employed by the District to teach Building Construction at the Golden Strip Career Center. He signed a contract with the District for the 2017-2018 school year on April 5, 2017. The written policy of the District states that after July 1, employees will be released from their contracts only for reasons of sickness, change of spouse's address out of the district, maternity, or family emergencies, but not generally to enable the employee to accept other employment. It further states that resignations prior to the end of the school year require a release by the board and will not be granted until a satisfactory replacement has been secured.

On December 12, 2017, Mr. Phillips submitted his resignation via email, stating that he had accepted a position with Greenville Technical College starting January 2, 2018. He further stated that his decision was based solely on the advancement of his career. As of Mr. Phillips' December 12, 2017 resignation, there were only six (6) working days left between the date of his resignation and the date that he left his position.

The Greenville County Board of Education met thereafter and voted to deny Mr. Phillips a release from his contract. The District did not find a replacement for Mr. Phillips until February 2018. However, that teacher did not remain. As a result, Mr. Phillips' students were subjected to four different instructors during the 2017-2018 school year.

The South Carolina Department of Education (SCDE) sent Mr. Phillips 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. Mr. Phillips timely requested a hearing. On April 13, 2018, a hearing was held concerning Mr. Phillips' alleged Breach of Contract with the District.

After considering the evidence presented at the April 13, 2018 hearing, the State Board finds that the evidence presented demonstrates that Mr. Phillips breached his contract with the District. Mr. Phillips resigned his position without obtaining a formal release from the District, and gave only six working days' notice of his resignation.

Accordingly, the Board finds that just cause exists to suspend Mr. Phillips' Educator Certificate for a period of one (1) calendar year, commencing on 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." 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 Mr. Phillips engaged in unprofessional conduct by failing to comply with the terms of his contract without the written consent of the District. Accordingly, this evidence supports the State Board's determination that just cause exists to suspend the Educator Certificate of Charles D. Phillips, Educator Certificate #905246, for a period of one (1) calendar year, commencing on June 12, 2018, and ending on June 11, 2019. If Mr. Phillips 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. Mr. Phillips shall also pay all applicable reinstatement fees. The suspension of Mr. Phillips' Educator Certificate #905246 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 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: 
Dr. Sharon Wall, Chair

Columbia, South Carolina
June 12, 2018