

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the

Disciplinary Action of the

Educator Certificate of

Vicky Juanita Bailey

Certificate 277942

ORDER OF SUSPENSION

(BREACH OF CONTRACT)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on December 10, 2019. On October 29, 2019, the South Carolina Department of Education (SCDE) sent Vicky Juanita Bailey a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. Ms. Bailey received the notice, as evidenced by postal tracking. She has not requested a hearing in this matter and is now in default.

After considering the evidence presented, the State Board voted to suspend Ms. Bailey's educator certificate for a period of one year, commencing December 10, 2019, and ending December 8, 2020.

FINDINGS OF FACT

This case concerns a formal complaint from Richland County School District One (District) seeking the suspension of the educator certificate of Ms. Bailey for breach of contract. The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2018) and S.C. Code Ann. § 59-25-530 (2018).

On May 10, 2019, Ms. Bailey signed a contractual agreement with the District to serve as a teacher for 2019-20 school year. On September 9, 2019, Ms. Bailey submitted her resignation via email to the District, effective immediately. The District responded to the email with instructions for the process for a resignation. On September 20, 2019, the District informed her that resignations are pending a suitable replacement for the position, noted that she had not reported to work since September 19, 2019, and instructed Ms. Bailey to report to work no later than September 27, 2019, otherwise she

would be reported to the SCDE as a breach of contract. On October 8, 2019, the District informed Ms. Bailey it was being recommended she be reported to the SCDE for unprofessional conduct for breach of contract. The District Board of Trustees voted to report Ms. Bailey on October 22, 2019.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Bailey breached her contract with the District, and that just cause exists to suspend Ms. Bailey's certificate 277942 for a period of one year, commencing on December 10, 2019, and ending on December 8, 2020.

CONCLUSIONS OF LAW

"The South Carolina 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) (2018). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2018), the State Board of Education had the legal authority to suspend a certificate for "failure to comply with the provision 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 [or her] contract without written consent of the school board shall be deemed guilty of unprofessional conduct." S. C. Code Ann. § 59-25-530 (2018). "Upon 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. Bailey breached her contract without the consent and/or approval of the District. Accordingly, the evidence presented supports the State Board's determination that just cause exists to suspend the educator certificate of Vicky Juanita Bailey for a period of one year, commencing on December 10, 2019, and ending on December 8, 2020.

If Ms. Bailey 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

Services, and shall meet all certification requirements in effect at the time she requests reinstatement. Ms. Bailey shall also pay the applicable reinstatement fee. The suspension of Ms. Bailey's educator certificate 277942 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty 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

s/Del-Gratia Jones
Del-Gratia Jones, Chair

Columbia, South Carolina
December 10, 2019