

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the

Disciplinary Action of the

Educator Certificate of

Marc Aaron Bowen

Certificate 268703

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 23, 2019, the South Carolina Department of Education (SCDE) sent Marc Aaron Bowen a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate. Mr. Bowen received the notice, as evidenced by the signed postal receipt. He has not requested a hearing in this matter and is now in default.

After considering the evidence presented, the State Board voted to suspend Mr. Bowen'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 the Charleston County School District (District) seeking the suspension of the educator certificate of Mr. Bowen 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, Mr. Bowen signed a contractual agreement with the District to serve as a teacher for 2019-20 school year. On July 18, 2019, Mr. Bowen submitted his resignation to the District, effective immediately. After the District requested a reason for the resignation, Mr. Bowen stated that he was choosing to move out of state. On July 23, 2019, the District informed Mr. Bowen he would be released from his contract when a suitable replacement was found. This letter further reminded Mr. Bowen of his contractual obligation to the District and informed him failure to fulfill his contract could

be cause for action on his educator certification. On August 12, 2019, prior to the starting date for teachers, the District reached out to Mr. Bowen to notify him a replacement had not yet been found and that he was expected to report to work for the District.

Mr. Bowen did not report to work at the start of the school year. On August 19, 2019, the District informed him the breach of contract would be reported to the District Board of Trustees for recommended action against his education certification. On September 23, 2019, the District Board of Trustees voted to report Mr. Bowen's breach of contract to the SCDE.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Mr. Bowen breached his contract with the District, and that just cause exists to suspend Mr. Bowen's certificate 268703 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 Mr. Bowen breached his 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 Marc Aaron Bowen for a period of one year, commencing on December 10, 2019, and ending on December 8, 2020.

If Mr. Bown 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. Bowen shall also pay the applicable reinstatement fee. The suspension of Mr. Bowen's educator certificate 268703 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

Del-Gratia Jones, Chair

Columbia, South Carolina
December 10, 2019