

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Dane Lee Harris
Certificate 262407

ORDER OF SUSPENSION
(Breach of Contract)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on July 14, 2020. The South Carolina Department of Education (SCDE) notified Dane Lee Harris of potential disciplinary action against his teaching certificate and informed him of his right to a hearing via a certified letter dated November 27, 2019. Mr. Harris timely requested a hearing. By stipulation of the parties, a Hearing on the Documents, defined as “the prehearing statement and any accompanying exhibits relevant to the proceeding that the parties wish to be presented to the hearing officer for review to make a determination of the disciplinary matter” was held. On March 25, 2020, the SCDE and Mr. Harris received the hearing officer’s final report and recommendation. After considering the evidence presented, the State Board hereby voted to suspend Mr. Harris’s educator certificate for a period of one year, commencing on July 14, 2020 and ending on July 13, 2021.

FINDINGS OF FACT

This case concerns a formal complaint by the Aiken County School District (District) seeking the suspension of Mr. Harris’s educator certificate for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2004). Mr. Harris holds a valid South Carolina professional educator certificate and has over five years of experience. He has no prior record of disciplinary action with the State Board.

The hearing officer reviewed the prehearing statements and exhibits submitted by the parties and made a recommendation based upon her Findings of Fact. On April 30, 2019, Mr. Harris signed a contract as a teacher for the District for the 2019-20 school year. On August 16, 2019, Mr. Harris was offered a district level position with higher pay in Phoenix, Arizona. Mr. Harris submitted his resignation to the District, effective August 25,

2019. The District informed Mr. Harris he would not be released from his contract at this late date due to the negative impact on the students. When Mr. Harris did not report to work, the District notified him that he had not been released from his contract and reminded him of the District's resignation policy and the potential consequences of breaching his contract. On October 8, 2019, the District Board voted to report to the SCDE has a breach of contract. The school to which Mr. Harris was assigned is in a small, rural location that is historically hard to staff. As of February 20, 2020, the District had not been able to find a replacement for Mr. Harris's former position. Mr. Harris asserted the following defenses: a new job with a promotion from out-of-state; inability to find administrative work within the District; perceived toxic environment; the District's failure to inform him of the availability of in-District transfers; and District's failure to send notice that the Board had voted and recommended the notice to the SCDE. The hearing officer found that Mr. Harris's asserted defenses lacked merit, found there was conclusive evidence that Mr. Harris breached his contract with the District, and recommended a one-year suspension of his educator certificate.

After considering the evidence presented and the recommendation of the hearing officer, the State Board finds that Mr. Harris breached his contract with the District. Accordingly, the State Board finds that just cause exists to accept the recommendation of the hearing officer and suspend Mr. Harris's educator certificate for a period of one year, commencing on July 14, 2020, and ending on July 13, 2021.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. §59-25-150 (2018); The State Board may, for just cause, issue a public reprimand. S.C. Code Ann. Regs. 43-58 (2018). Just cause includes unprofessional conduct. S.C. Code Ann. §59-25-160. The State Board finds that the evidence presented supports its conclusion that just cause exists to suspend the professional educator certificate of in this matter. The State Board finds that just cause exists to accept the recommendation of the hearing officer and suspend Mr. Harris's

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educator certificate for a period of one year, commencing on July 14, 2020, and ending on July 13, 2021.

If Mr. Harris 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. Harris shall also pay the applicable reinstatement fee. The suspension of Dane Lee Harris educator certificate 262407 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/Michael Brennan
Michael Brennan, Chair

Columbia, South Carolina
July 14, 2020