

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Derek Wayne Bell
Certificate 306285

**ORDER OF SUSPENSION
(BREACH OF CONTRACT)**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 12, 2022. On February 7, 2022, the South Carolina Department of Education (SCDE) sent Derek Wayne Bell a notice via regular and certified mail, return receipt requested, of his right to a hearing regarding the possible suspension of his South Carolina educator certificate. Mr. Bell received the notice, as evidenced by signed postal receipt. He has not contacted the SCDE to request a hearing and is now in default.

Considering the evidence presented, the State Board voted to suspend Mr. Bell's educator certificate for a period of one year, commencing April 12, 2022, and ending on April 11, 2023.

FINDINGS OF FACT

This case concerns a formal complaint of the Greenville County School District (District) seeking the suspension of the educator certificate of Mr. Bell 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 July 14, 2021, Mr. Bell signed a contractual agreement to serve as a teacher with the District for the 2021-22 school year. On November 29, 2021, Mr. Bell submitted his resignation to the District, effective December 17, 2021. In his resignation, Mr. Bell noted he, "decided it is time to move on to other challenges." Mr. Bell was notified of the District policy and possible consequences of breaching his contract. The District Board voted to report Mr. Bell's breach of contract to the SCDE on January 25, 2022. On February 3, 2022, the District reported the matter to the SCDE.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Mr. Bell breached his contract with the District, and that just cause exists to suspend Mr. Bell, certificate 306285, for a period of one year, commencing on April 12, 2022, and ending on April 11, 2023.

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. Bell 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 Derek Wayne Bell for a period of one year, commencing on April 12, 2022, and ending on April 11, 2023.

If Mr. Bell 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. Bell shall also pay the applicable reinstatement fee. The suspension of Mr. Bell’s educator certificate 306285 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

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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/Alan Walters

Alan Walters, Chair

Columbia, South Carolina

April 12, 2022