

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Leigh Ann Fleming
Certificate 301344

**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 22, 2022, the South Carolina Department of Education (SCDE) sent Leigh Ann Fleming a notice via regular and certified mail, return receipt requested, of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. Ms. Fleming received the notice on February 12, 2022, as evidenced by signed postal receipt. On February 28, 2022, the SCDE notified Ms. Fleming that this matter would be presented to the State Board on April 12, 2022. She has not contacted the SCDE to request a hearing and is now in default.

Considering the evidence presented, the State Board voted to suspend Ms. Fleming'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 Fort Mill Schools (York 4) (District) seeking the suspension of the educator certificate of Ms. Fleming 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 April 15, 2021, Ms. Fleming signed a contractual agreement to serve as a teacher with the District for the 2021-22 school year. On October 29, 2021, Ms. Fleming submitted her resignation to the District, effective November 12, 2021. Ms. Fleming cited a difficult working environment that she alleged caused her physical, emotional, and mental distress as the reason for her resignation. Ms. Fleming was notified she would not be released from her contract until a suitable replacement was found. On November 4, 2021, Ms. Fleming confirmed that she would

not be returning to the District after November 12, 2021. The District Board voted to report Ms. Fleming's breach of contract to the SCDE on December 7, 2021. On January 31, 2022, the District reported the matter to the SCDE.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Fleming breached her contract with the District, and that just cause exists to suspend Ms. Fleming, certificate 301344, 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 Ms. Fleming 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 Leigh Ann Fleming for a period of one year, commencing on April 12, 2022, and ending on April 11, 2023.

If Ms. Fleming 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. Fleming shall also pay the applicable reinstatement fee. The suspension of Ms. Fleming's

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educator certificate 301344 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/Alan Walters

Alan Walters, Chair

Columbia, South Carolina

April 12, 2022