

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Tammi Soles
Certificate 298164

**ORDER OF DISMISSAL
(BREACH OF CONTRACT)**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 9, 2022. On November 18, 2020, the South Carolina Department of Education (SCDE) sent Tammi Soles 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. Soles thereafter timely requested a hearing, which was held on June 6, 2022. This matter is properly before the State Board pursuant to S.C Code Ann. § 59-25-150 (2017) and referred to a hearing officer pursuant to S.C. Code Ann. 59-5-70 (2004). After considering the evidence presented, the State Board hereby dismisses this action against Ms. Soles' educator certification 298164.

FINDINGS OF FACT

This case concerns a formal complaint of the Marion School District (District) seeking the suspension of the educator certificate of Ms. Soles 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 August 11, 2020, Ms. Soles signed a contractual agreement with the District to serve as an educator for the 2020-21 school year. On September 28, 2020, Ms. Soles submitted her resignation to the District, effective October 9, 2020. The District engaged in communications with Ms. Soles to discuss alternatives to her resignation and remind her of the District's resignation policy. On October 5, 2020, the District sent Ms. Soles a formal, written reply to Ms. Soles that stated her resignation would be put before the District Board of Trustees, and at that time she "will be released from this obligation with Marion County School District."

During the hearing, the District testified that they had no interest in suspending Ms. Soles' certificate, and did not request suspension of her educator certification. Records from the District Board of Trustees also failed to record a vote to report a breach of contract to the State Board. After considering this evidence, as well as Ms. Soles' testimony she received little support while teaching in an unfamiliar virtual setting, the Hearing Officer recommended the action against Ms. Soles' educator certification be dismissed.

After considering the evidence, the State Board finds that the evidence presented demonstrates just cause to dismiss the action against Ms. Soles' educator certificate 298164.

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 just cause exists to dismiss the action against the professional educator certificate of Ms. Soles in this matter. Accordingly, this action against Tammi Soles, educator certificate 298164 is hereby dismissed.

AND IT IS SO ORDERED.

South Carolina State Board of Education

s/Alan Walters

Alan Walters, Chair

Columbia, South Carolina
August 9, 2022