

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
William Brett Frye
Certificate 291916

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on December 13, 2022. On March 16, 2022, the South Carolina Department of Education (SCDE) sent William Brett Frye a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate. The letter sent via regular mail has not been returned. On October 17, 2022, the SCDE informed Mr. Frye via regular mail that the State Board would meet on November 8, 2022, or as soon thereafter as is feasible, to consider action against his educator certification. Under the South Carolina Rules of Civil Procedure 5(b), Mr. Frye has been given fair notice of constitutional due process. He has not contacted the SCDE to request a hearing and is now in default.

After considering the evidence presented, the State Board voted to suspend Mr. Frye's educator certificate for a period of one year, commencing December 13, 2022, and ending on December 12, 2023.

FINDINGS OF FACT

This case concerns a formal complaint of Richland School District Two (District) seeking the suspension of the educator certificate of Mr. Frye for breach of contract. The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2020) and S.C. Code Ann. § 59-25-530 (2020).

On April 12, 2021, Mr. Frye signed a contractual agreement with the District to serve as an educator for the 2021-22 school year. On February 3, 2022, Mr. Frye submitted a separation request to the District, effective February 18, 2022. In the request, Mr. Frye cited dissatisfaction with the District and stated he was seeking a nonteaching education position outside of the District. On February 14, 2022, the District informed Mr.

Frye he would not be released from his contract until a suitable replacement was found. He did not return to fulfil his contract with the District. On March 8, 2022, the District Board voted to report Mr. Frye's breach of contract to the SCDE. The District reported the matter to the SCDE on March 15, 2022.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Mr. Frye breached his contract with the District, and that just cause exists to suspend Mr. Frye's certificate 291916 for a period of one year, commencing on December 13, 2022, and ending on December 12, 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) (2020). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2021), 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 (2020). "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. Frye 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 William Brett Frye for a period of one year, commencing on December 13, 2022, and ending on December 12, 2023.

If Mr. Frye 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

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Services and shall meet all certification requirements in effect at the time he requests reinstatement. Mr. Frye shall also pay the applicable reinstatement fee. The suspension of Mr. Frye's educator certificate 291916 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/Crystal F. Stapleton

Crystal F. Stapleton, Chair

Columbia, South Carolina
December 13, 2022