

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Stephen Collins
Certificate 298636

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on January 11, 2022. On October 20, 2021, the South Carolina Department of Education (SCDE) sent Stephen Collins a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate. The SCDE has verified Mr. Collins' address and the letters have not been returned. On November 18, 2021, the SCDE sent Mr. Collins notice that the matter would be presented to the State Board on January 11, 2022. Mr. Collins 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. Collins' educator certificate 298636 for a period of one year, commencing January 11, 2022, and ending on January 10, 2023.

FINDINGS OF FACT

This case concerns a formal complaint of Richland County School District Two (District) seeking the suspension of the educator certificate of Mr. Collins 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 2, 2021, Mr. Collins signed a contractual agreement with the District to serve as a teacher for the 2021-22 school year. On August 23, 2021, Mr. Collins submitted a separation request to the District. In the request, he stated he was accepting another position elsewhere. On August 24, 2021, the District informed Mr. Collins that he would not be released from his contract until a suitable replacement was found. The District Board voted to report Mr. Collins' breach of contract to the SCDE on October 12, 2021. The District reported the matter to the SCDE on October 15, 2021.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Mr. Collins breached his contract with the District, and that just cause exists to suspend Mr. Collins certificate 298636 for a period of one year, commencing on January 11, 2022, and ending on January 10, 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. Collins 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 Stephen Collins for a period of one year, commencing on January 11, 2022, and ending on January 10, 2023.

If Mr. Collins 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. Collins shall also pay the applicable reinstatement fee. The suspension of Mr. Collins’ educator certificate 298636 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of

Stephen Collins, CERTIFICATE 298636
ORDER OF SUSPENSION
January 11, 2022
Page 3 of 3

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
January 11, 2022