

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
David Alan Rose
Certificate 290433

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 14, 2022. On October 20, 2021, November 19, 2021, and January 20, 2022, the South Carolina Department of Education (SCDE) sent David Alan Rose 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. Rose's address. On May 25, 2022, the SCDE informed Mr. Rose via regular mail that the State Board would meet on June 14, 2022, to consider action against his educator certification. Under the South Carolina Rules of Civil Procedure 5(b), Mr. Rose has been given fair notice of constitutional due process. Mr. Rose 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. Rose's educator certificate for a period of one year, commencing June 14, 2022, and ending on June 13, 2023.

FINDINGS OF FACT

This case concerns a formal complaint of Richland County School District One (District) seeking the suspension of the educator certificate of Mr. Rose 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 May 10, 2021, Mr. Rose signed a contractual agreement with the District to serve as an educator for the 2021-22 school year. On May 26, 2021, Mr. Rose submitted his notice of separation to the District, effective June 15, 2021. Mr. Rose cited an out-of-state relocation as the reason for his resignation. On June 10, 2021, the District informed Mr. Rose he would not be released from his contract until a suitable candidate identified

and hired. The District Board voted to report Mr. Rose's breach of contract to the SCDE on October 12, 2021. The District reported the matter to the SCDE on October 13, 2021.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Mr. Rose breached his contract with the District, and that just cause exists to suspend Mr. Rose's certificate 290433 for a period of one year, commencing on June 14, 2022, and ending on June 13, 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. Rose 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 David Alan Rose for a period of one year, commencing on June 14, 2022, and ending on June 13, 2023.

If Mr. Rose 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. Rose shall also pay the applicable reinstatement fee. The suspension

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of Mr. Rose's educator certificate 290433 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
June 14, 2022