

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Alicia Maria O’Neal
Certificate 211080

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 8, 2022. On October 29, 2020, the South Carolina Department of Education (SCDE) sent Alicia Maria O’Neal a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate based on her breach of contract. Ms. O’Neal timely requested a hearing and such was held on December 8, 2021. On January 25, 2022, all parties received the hearing officer’s final report and recommendation.

After considering the evidence presented, the State Board voted to suspend Ms. O’Neal’s educator certificate for a period of three months, commencing March 8, 2022, and ending on June 7, 2022.

FINDINGS OF FACT

This case concerns a formal complaint from the Clover School District (District) seeking the suspension of the educator certificate of Ms. O’Neal 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 21, 2020, Ms. O’Neal signed a contractual agreement with the District to serve as a teacher for the 2020-21 school year. On August 25, 2020, Ms. O’Neal sent a letter of resignation to the District, effective September 11, 2020. The following day, she submitted an official letter of resignation. The resignation was based on Ms. O’Neal’s relocation to North Carolina due to her marriage in December 2019. The District notified Ms. O’Neal that she would not be released from her contract until a suitable replacement was found.

After hearing all evidence presented by the District and Ms. O’Neal, the Hearing Officer recommended a three-month suspension of Ms. O’Neal’s educator certificate. The Hearing Officer found that Ms. O’Neal knowingly breached her contract with the District. This left students without an appropriate teacher and burdened District staff while a replacement was found. However, the Hearing Officer found that District staff were aware of Ms. O’Neal’s relocation to North Carolina as early as December 2019. The District was notified Ms. O’Neal was actively seeking and interviewing for teaching positions in North Carolina prior to her resignation.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. O’Neal breached her contract with the District, and that just cause exists to suspend Ms. O’Neal’s certificate 211080 for a period of three months, commencing on March 8, 2022, and ending on June 7, 2022.

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. O’Neal 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 Alicia Maria O’Neal for a period of three months, commencing on March 8, 2022, and ending on June 7, 2022.

If Ms. O’Neal 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. O’Neal shall also pay the applicable reinstatement fee. The suspension of Ms. O’Neal’s educator certificate 211080 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
March 8, 2022