

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Tamika D Bacchus
Certificate 219990

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on October 11, 2022. On October 11, 2021, the South Carolina Department of Education (SCDE) sent Tamika D Bacchus a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. The SCDE has verified Tamika D Bacchus's address and the letter sent via regular mail has not been returned. On November 29, 2021, Ms. Bacchus requested a hearing which was subsequently scheduled for November 18, 2022. Prior to the hearing, Ms. Bacchus informed the SCDE that she no longer wanted a hearing and is therefore now in default. Ms. Bacchus has been given fair notice of constitutional due process and has waived her right to a hearing.

After considering the evidence presented, the State Board voted to suspend Tamika D Bacchus's educator certificate for a period of one year, commencing October 11, 2022, and ending on October 10, 2023.

FINDINGS OF FACT

This case concerns a formal complaint of the Marion County School District (District) seeking the suspension of the educator certificate of Tamika D Bacchus 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 May 7, 2021, Tamika D Bacchus signed a contractual agreement with the District to serve as an Educator for the 2021-22 school year. On May 24, 2021, Ms. Bacchus submitted her resignation to the District, effective June 11, 2021, citing a new position outside of the District as the reason for her resignation. On June 11, 2021, the District informed Tamika D Bacchus she would not be released from her contract. The

District Board voted to report Ms. Bacchus's breach of contract to the SCDE on August 17, 2021. The District reported the matter to the SCDE on September 24, 2021.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Tamika D Bacchus breached her contract with the District, and that just cause exists to suspend Ms. Bacchus's certificate 219990 for a period of one year, commencing on October 11, 2022, and ending on October 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) (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 Tamika D Bacchus 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 Tamika D Bacchus for a period of one year, commencing on October 11, 2022, and ending on October 10, 2023.

If Ms. Bacchus 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 he requests reinstatement. Ms. Bacchus shall also pay the applicable reinstatement fee. The

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suspension of Tamika D Bacchus's educator certificate 219990 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
October 11, 2022