

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Alexander Prescott Hilderbrand
Certificate 288535

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on September 13, 2022. On May 3, 2022, the South Carolina Department of Education (SCDE) sent Alexander Prescott Hilderbrand 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. Hilderbrand's address and the regular mail has not been returned. On June 29, 2022, the SCDE notified Mr. Hilderbrand that this matter would be presented to the State Board on August 9, 2022, or as soon thereafter as is feasible. 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 Ms. Hilderbrand's educator certificate for a period of one year, commencing on September 13, 2022, and ending on September 12, 2023.

FINDINGS OF FACT

This case concerns a formal complaint of the Aiken County Public School District (District) seeking the suspension of the educator certificate of Mr. Hilderbrand 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 4, 2021, Mr. Hilderbrand signed a contractual agreement with the District to serve as a teacher for 2021-22 school year. On March 24, 2022, Mr. Hilderbrand submitted his resignation to the District, effective April 8, 2022. In his resignation, Mr. Hilderbrand stated he would be furthering his career in a different direction. On March 30, 2022, the District informed Mr. Hilderbrand he would not be released from his contract until the District found suitable replacement. He did not return to fulfill his

contract. The District Board voted to report Mr. Hilderbrand's breach of contract to the SCDE on April 19, 2022. The District reported the matter to the SCDE on April 21, 2022.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Mr. Hilderbrand breached his contract with the District, and that just cause exists to suspend Mr. Hilderbrand's certificate 288535 for a period of one year, commencing on September 13, 2022, and ending on September 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. Hilderbrand 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 Alexander Prescott Hilderbrand for a period of one year, commencing on September 13, 2022, and ending on September 12, 2023.

If Mr. Hilderbrand 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

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reinstatement. Mr. Hilderbrand shall also pay the applicable reinstatement fee. The suspension of Alexander Prescott Hilderbrand's educator certificate 288535 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

September 13, 2022