

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Shelly A. Freckleton
Certificate 281731

**CONSENT ORDER OF
PUBLIC REPRIMAND**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 14, 2023. On October 25, 2021, the South Carolina Department of Education (SCDE) sent Shelly A Freckleton a notice letter by certified mail, return receipt, restricted delivery, and regular mail, regarding possible action against her educator certificate. Ms. Freckleton contacted the SCDE to request a hearing. Prior to a hearing, Ms. Freckleton reached an agreement with the Chester County School District (District). Ms. Freckleton has agreed to waive her right to a hearing and enter into this Consent Order of Public Reprimand.

After considering the evidence presented, the State Board voted to accept this Consent Order of Public Reprimand.

FINDINGS OF FACT

This case concerns a formal complaint from the District seeking the reprimand of Ms. Freckleton's educator certificate 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, Ms. Freckleton signed a contractual agreement with the District to serve as an educator for the 2021-22. On August 9, 2021, at the beginning of the school term, Ms. Freckleton did not appear for work. The District informed Ms. Freckleton of the possible repercussions of breaching of her contract and she did not return to work to fulfil her contract with the District. On September 27, 2021, the School Board of Trustees voted to report Ms. Freckleton's breach of contract to the SCDE. On October 1, 2021, the District reported the

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281731
s/SF
Initial
6/15/23
Date

matter to the SCDE. On October 25, 2021, the SCDE sent notice of the pending action to Ms. Freckleton. Seeking an alternate resolution to a hearing, Ms. Freckleton and the District were able to reach an agreement of a public reprimand.

After considering the evidence presented, the State Board voted to accept the Consent Order of Public Reprimand with the terms set forth above.

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.”

The State Board finds that the evidence presented demonstrates that Ms. Freckleton 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 publicly reprimand certificate 281731, issued in the name of Shelly A. Freckleton. The public reprimand of Ms. Freckleton’s educator certificate 281731 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.”

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AND IT IS SO ORDERED.

South Carolina State Board of Education

s/Crystal F. Stapleton, Ed.D.
Crystal F. Stapleton, Chair

Columbia, South Carolina
March 14, 2023

I, Shelly A. Freckleton, S.C. Educator Certificate 281731, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator certificate holders and that I have waived my right to a hearing in this matter. I understand that the terms set forth in this Consent Order of Public Reprimand are not subject to reconsideration, collateral attack, or judicial review. I have read the Consent Order of Public Reprimand, consisting of three pages, and I freely and voluntarily agree to the terms set forth therein. I understand that this Order will be presented to the South Carolina State Board of Education for approval on Tuesday, March 14, 2023. I understand this Consent Order will not become effective until approved by the State Board and, if not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the State Board to adjudicate this matter. If approved by the State Board, I give the SCDE permission to use my electronic signature in the style of “/S/ name” for required website publication.

S/Shelly A. Freckleton
Shelly A. Freckleton

6/15/23
Date