

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Haley Rebecca West
Certificate 295807

ORDER OF SUSPENSION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on March 14, 2023. On September 6, 2022, the South Carolina Department of Education (SCDE) sent a notice via regular and certified mail, return receipt requested, to Haley Rebecca West concerning the pending action against her educator certificate. Ms. West thereafter timely requested a hearing which was held on January 26, 2023. This matter is properly before the State Board pursuant to S.C. Code Ann. § 59-25-150 (2017) and referred to a hearing officer pursuant to S.C. Code Ann. 59-5-70 (2004). After considering the evidence, testimony, and the report and recommendations presented, the State Board voted to suspend Ms. West's educator certificate 295807, for a period of one year, commencing on March 14, 2023, and ending on March 13, 2024.

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 Ms. West 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).

Ms. West signed a contractual agreement with the District to serve as a teacher for the 2022-2023 school year. On May 31, 2022, Ms. West submitted her resignation to the District, because she found other employment. Ms. West was notified she would not be considered for release from her contract until a suitable replacement was found. A suitable replacement was not located and Ms. West notified the District she would not return to work to fulfil her contract.

The Hearing Officer found that the District met its burden of providing conclusive evidence of unprofessional conduct by breach of contract. Although Ms. West did request a

hearing, she did not communicate with the SCDE after the request and did not appear at the hearing. Therefore, no mitigating circumstances were considered. The Hearing Officer recommended a one year suspension of Ms. West's education certification.

After considering the evidence presented, the State Board finds just cause for the suspension of Ms. West's educator certificate for a period of one year, commencing on March 14, 2023 and ending on March 13, 2024.

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 has 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. West 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 Haley Rebecca West for a period of one year, commencing on March 14, 2023, and ending on March 13, 2024.

AND IT IS SO ORDERED.

South Carolina Board of Education

s/Crystal F. Stapleton, Ed.D.

Crystal F. Stapleton, Chair

Columbia, South Carolina
March 14, 2023