

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Candace Mellen
Certificate 313068

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on September 12, 2023. On March 10, 2023, the South Carolina Department of Education (SCDE) sent Candace Mellen 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. Mellen contacted the SCDE to discuss an alternate resolution. Ms. Mellen has agreed to waive her right to a hearing and enter into this Consent Order of Suspension.

After considering the evidence presented, the State Board voted to suspend Ms. Mellen's educator certificate for a period of one year, commencing May 9, 2023, and ending May 8, 2024.

FINDINGS OF FACT

This case concerns a formal complaint from the Greenville County School District seeking the suspension of the educator certificate of Ms. Mellen 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 August 20, 2022, Ms. Mellen signed a contractual agreement with Greenville County School District to serve as a Teacher for the 2022-23 school year. Ms. Mellen submitted her resignation on January 24, 2023, effective February 7, 2023, citing personal reasons. Ms. Mellen informed Greenville County School District and she gave two weeks' notice of resignation. The Greenville County School District informed Ms. Mellen that she would be released from her contract once a suitable replacement was found via letter on February 1, 2023. On February 28, 2023, the School Board of Trustees voted to report Ms.

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313068
s/CM
Initial
8/19/23
Date

Mellen's breach of contract to the SCDE. On March 3, 2023, the District reported the matter to the SCDE.

After being notified of the pending action against her educator certificate, Ms. Mellen contacted the SCDE to discuss an alternate resolution. Ms. Mellen has agreed to the suspension of her educator certificate for a period of one year, beginning May 9, 2023, and ending May 8, 2024.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Mellen breached her contract with the District, and that just cause exists to suspend Ms. Mellen's certificate 313068 for a period of one year, commencing on May 9, 2023, and ending May 8, 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 (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."

The State Board finds that the evidence presented demonstrates that Ms. Mellen breached her contract without the consent and/or approval of the Greenville County School District. Accordingly, the evidence presented supports the State Board's determination that just cause exists to suspend the educator certificate of Candace Mellen for a period of one year, commencing on May 9, 2023, and ending on May 8, 2024. If Ms. Mellen wishes to have her educator certificate reinstated at the end of the suspension period, she shall make a

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s/CM
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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. Mellen shall also pay the applicable reinstatement fee. The suspension of Ms. Mellen's educator certificate 313068 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/Crystal F. Stapleton, Ed.D.
Crystal F. Stapleton, Ed.D., Chair

Columbia, South Carolina
September 12, 2023

I, Candace Mellen, S.C. Educator Certificate 313068, 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 Suspension are not subject to reconsideration, collateral attack, or judicial review. I have read the Consent Order of Suspension, 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, September 12, 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/Candace Mellen
Candace Mellen

8/19/23
Date

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s/CM
Initial
8/19/23
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