

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Robert Messer
Certificate 301081

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on December 3, 2024. On October 29, 2024, the South Carolina Department of Education (SCDE) sent Robert Messer a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate. Mr. Messer received the notice on November 4, 2024, as evidenced by a signed postal receipt. 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 Mr. Messer's educator certificate for a period of one year, commencing on December 3, 2024, and ending on December 2, 2025.

FINDINGS OF FACT

This case concerns a formal complaint from the Berkeley County School District (District) seeking the suspension of the educator certificate of Mr. Messer 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 14, 2024, Mr. Messer signed a contractual agreement with the District to serve as an educator for the 2024-25 school year. On October 10, 2024, Mr. Messer submitted his resignation to the District, effective October 25, 2024. In his resignation, Mr. Messer stated he was leaving for his family and his health. On October 21, 2024, the District informed Mr. Messer he would not be released from his contract. He did not return to fulfill his contract. The District Board voted to report Mr. Messer's breach of

contract to the SCDE on October 21, 2024. The District reported the matter to the SCDE on October 28, 2024.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Mr. Messer breached his contract with the District, and that just cause exists to suspend Mr. Messer's certificate 301081 for a period of one year, commencing on December 3, 2024, and ending on December 2, 2025.

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." *Id.*

The State Board finds that the evidence presented demonstrates that Mr. Messer 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 Robert Messer for a period of one year, commencing on December 3, 2024, and ending on December 2, 2025.

If Mr. Messer 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 reinstatement. Mr. Messer shall also pay the applicable reinstatement fee. The

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suspension of Mr. Messer's educator certificate 301081 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/David C. O'Shields

David C. O'Shields, Chair

Columbia, South Carolina
December 3, 2024