

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Kathryn Dianne Charleston	)	(BREACH OF CONTRACT)
	)	
Certificate 261935	)	
_____	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 11, 2015. On February 6, 2015, the South Carolina Department of Education (SCDE) sent Kathryn Dianne Charleston notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, certificate 261935, by regular and certified mail, return receipt requested, delivery restricted to addressee. Ms. Charleston received the notice on February 9, 2015, as evidenced by the signed postal receipt. Ms. Charleston did not contact SCDE to request a hearing and is in default.

After considering the evidence presented, the State Board voted to suspend Ms. Charleston's educator certificate for a period of one year, commencing on March 11, 2015, and ending on March 10, 2016.

FINDINGS OF FACT

The case concerns a formal complaint by the Marion County School District (District) seeking the suspension of the educator certificate of Kathryn Dianne Charleston for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2004) and S.C. Code Ann. § 59-25-530 (2004).

Ms. Charleston holds a valid South Carolina educator certificate and has two years of teaching experience. On April 15, 2014, Ms. Charleston signed a continuing contract with the

District to serve as a teacher in the District for the 2014-2015 school year. During mid-morning on October 8, 2014, Ms. Charleston sent an email to her principal informing the principal that she was resigning from her position effective immediately. The principal proceeded directly to Ms. Charleston's classroom to discuss the email and discovered that Ms. Charleston had left her keys and other items on the desk and had left campus without informing anyone in the building.

The principal made repeated attempts to contact Ms. Charleston via telephone, email, text, and had a staff member go to Ms. Charleston's home. None of the attempts to contact Ms. Charleston were successful. The District also sent Ms. Charleston a letter by regular and certified mail informing her that she needed to contact the District. Ms. Charleston did not respond to the District's correspondence.

On October 8, 2014, the District Superintendent sent a letter to Ms. Charleston informing her that her request to resign would be formally presented to the Marion County Board of Education.

On November 18, 2014, the Marion County School Board voted to reject Ms. Charleston's request to resign and did not release her from her contractual obligations. On November 24, 2014, the District informed SCDE of Ms. Charleston's breach of contract.

On February 6, 2015, the SCDE sent Ms. Charleston notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, certificate 261935, by regular and certified mail, return receipt requested, delivery restricted to addressee. Ms. Charleston received the notice on February 9, 2015, as evidenced by the signed postal receipt. Ms. Charleston did not contact SCDE to request a hearing and is in default. After considering the evidence presented, the State Board finds that the evidence presented demonstrates that Ms. Charleston engaged in unprofessional conduct and willfully neglected her duty when she

breached her contract with the District, and that just cause exists to suspend Ms. Charleston's educator certificate for a period of one year, commencing on March 11, 2015, and ending on March 10, 2016.

CONCLUSIONS OF LAW

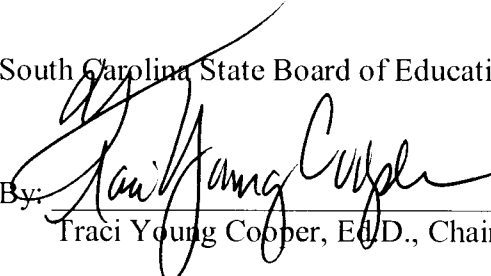
"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004). Just cause includes, *inter alia*, "unprofessional conduct" and "willful violation of the rules and regulations of the State Board of Education." S.C. Code Ann. § 59-25-160 (3) and (4) (2004). Pursuant to 2 S.C. Code Regs. 43-58 (2) and (14) (2011), the State Board of Education has the legal authority to suspend, *inter alia*, a certificate for "willful neglect of duty" and "failure to comply with the provisions of a contract without the written consent of the local school board." The State Board finds that the evidence presented demonstrates that Ms. Charleston breached her contract and engaged in unprofessional conduct, willfully neglected her duty, and failed to comply with the provisions of her contract without the written consent of the District. The evidence presented further supports the State board's determination that just cause exists to suspend the educator certificate of Kathryn Dianne Charleston, certificate 261935, for a period of one year, commencing on March 11, 2015, and ending on March 10, 2016. If Ms. Charleston wishes to have her certificate reinstated at the end of the suspension period, she shall make a 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. Charleston shall also be responsible for paying any applicable reinstatement fees. The suspension of Ms. Charleston, educator certificate 261935 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

Charleston, Kathryn D.
Order of Suspension
March 11, 2015
Page 4

AND IT IS SO ORDERED.

South Carolina State Board of Education

By:

A handwritten signature in black ink, appearing to read "Traci Young Cooper", is written over a horizontal line.

Traci Young Cooper, Ed.D., Chair

Columbia, South Carolina
March 11, 2015