

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Kecia Ann Smith,	)	(BREACH OF CONTRACT)
	)	
<u>Certificate 277429</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 12, 2016. On February 24, 2016 the South Carolina Department of Education (SCDE) attempted to serve Kecia Ann Smith a notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. Ms. Smith received the notice on February 27, 2016, and did not request a hearing. She is now in default.

After considering the evidence presented, the State Board voted to suspend Ms. Smith's educator certificate for a period of one year, commencing on April 12, 2016, and ending on April 11, 2017.

FINDINGS OF FACT

This case concerns a formal complaint by the Allendale County School District (District) recommending the suspension of the educator certificate of Kecia Ann Smith for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (Rev. 2004) and S.C. Code Ann § 59-25-530 (Rev. 2004).

Ms. Smith holds a valid South Carolina educator certificate and has ten years of teaching experience. On August 11, 2015, Ms. Smith signed a Contractual Agreement with the District to serve as a teacher at Fairfax Elementary School for the 2015-2016 school year. After submitting a resignation, Ms. Smith did not report to work on January 4, 2016. On January 12, 2016, the District Superintendent informed Ms. Smith that she needed to report back to work immediately and that she had failed to comply with the provision of her contract by failing to report to work without having been properly released from her contract. The District also informed Ms. Smith that her resignation would be discussed with the District Board of Trustees on January 25, 2016.

On January 25, 2016, the District Board of Trustees found that Ms. Smith failed to comply with the provisions of her contract without the written consent of the District Board of Trustees and that her behavior constituted a breach of her employment contract with the District. The District voted to report Ms. Smith's breach of contract to SCDE and the State Board. On February 4, 2016, the District informed Ms. Smith that her breach of contract would be reported to SCDE, requesting that the State Board revoke her educator certificate. The District reported this matter to SCDE on February 4, 2016.

On February 24, 2016, the SCDE attempted to serve Ms. Smith with notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. Ms. Smith received the notice on February 27, 2016, and did not request a hearing in this matter. She is in default.

After considering the evidence presented, the State Board voted to suspend Ms. Smith's educator certificate for a period of one year, commencing on April 12, 2016, and ending on April 11, 2017.

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 (Rev. 2004). Just cause includes, *inter alia*, "willful violation of the rules and regulations of the State Board of Education" and "unprofessional conduct." S.C. Code Ann. § 59-25-160 (3) and (4) (Rev. 2004). Pursuant to S.C. Code Ann. § 59-25-530 (Rev. 2004), "any teacher who fails to comply with the provisions of his contract without the written consent of the school board shall be deemed guilty of unprofessional conduct." 24 S.C. Code Ann. Regs. 43-58 (2) and (14) (2011), provides that the State Board of Education has the legal authority, *inter alia*, to suspend a certificate for "wilful 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. Smith 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 Allendale County School District. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Kecia Ann Smith, certificate 277429, for a period of one year, commencing on April 12, 2016,

and ending on April 11, 2017. If Ms. Smith wishes to have her educator 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. Smith shall also pay the applicable reinstatement fee. The suspension of Ms. Smith's educator certificate 277429 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: _____

Michael R. Brennan, Chair

Columbia, South Carolina

April 12, 2016