

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	CONSENT ORDER OF SUSPENSION
	)	
Diana G. Man	)	(BREACH OF CONTRACT)
	)	
<u>Certificate 272083</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on December 11, 2018. On October 31, 2018, the South Carolina Department of Education (SCDE) served Diana G. Man 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. On November 13, 2018, Ms. Man contacted the SCDE, confirmed that she had received the notice via United States mail, and 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. Man's educator certificate for a period of one year, commencing on November 13, 2018, and ending on November 12, 2019.

FINDINGS OF FACT

This case concerns a formal complaint by Lexington County School District Two (District) recommending the suspension of the educator certificate of Diana G. Man for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2017) and S.C. Code Ann § 59-25-530 (2017).

On May 1, 2018, Ms. Man signed a Contractual Agreement with the District to serve as a teacher for the 2018-2019 school year. On August 13, 2018, Ms. Man submitted a resignation to the District. At the time of her resignation, Ms. Man was working a second job outside of the educator profession where she wished to devote more time. Ms. Man has admitted to her mistake in breaking her contract and wishes to move forward with the consent order of suspension. On August 16, 2018, the District Board voted to report Ms. Man to the SCDE as a breach of contract.

Diana
G. Man
272083

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The State Board finds that the evidence presented demonstrates that Ms. Man breached her contract with the District, and that just cause exists to suspend Ms. Man's certificate 272083 for a period of one year, commencing on December 11, 2018, and ending on December 10, 2019.

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 (2017). 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) (2017). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2011), the State Board of Education has the legal authority, *inter alia*, to suspend 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. Man breached her contract without the consent and/or approval of the District.

The evidence presented supports the State Board's determination that just cause exists to suspend the educator certificate of Diana G. Man for a period of one year, commencing on December 11, 2018, and ending on December 10, 2019. If Ms. Man 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. Man shall also pay the applicable reinstatement fee.

The suspension of Ms. Man's educator certificate 272083 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: Sharon Wall
Sharon Wall, Ed.D., Chair

Columbia, South Carolina
December 11, 2018

Diana
G. Man
272083

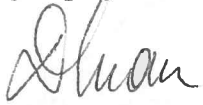
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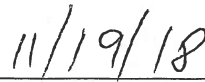
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I, Diana G. Man, SC Educator Certificate 272083, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator certificate holders and that I have waived my right to a hearing in this matter. I understand the terms set forth in this Consent Order of Suspension are not subject to reconsideration, collateral attack or judicial review. I agree to the terms of this Consent Order of Suspension, consisting of three pages, and understand that this Order will be presented to the State Board for approval on December 11, 2018. I understand this 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.



Diana G. Man



Date