

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of)
)
Patricia Ann Donohue,)
)
Certificate 257457)
_____)

ORDER OF SUSPENSION

(BREACH OF CONTRACT)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 13, 2018. On January 12, 2018, the South Carolina Department of Education (SCDE) sent Patricia Ann Donohue a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate regarding her alleged breach of contract with the Marion County School District. On January 26, 2018, Ms. Donohue received the notice as evidenced by a proof of service from the U.S. Postal Service. Ms. Donohue did not request a hearing in this matter and is in default.

After considering the evidence presented, the State Board voted to suspend Ms. Donohue's educator certificate for a period of one year, commencing March 13, 2018, and ending March 12, 2019.

FINDINGS OF FACT

This case concerns a formal complaint by the Marion County School District (District) seeking the suspension of the educator certificate of Patricia Ann Donohue 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).

Ms. Donohue holds a valid South Carolina educator certificate and has over five years of teaching experience. On June 12, 2017, Ms. Donohue signed a continuing contract with the District for a 2017-2018 school year teaching position at Easterling Primary/Marion Intermediate School (School).

On October 2, 2017, Ms. Donohue sent a letter to Dr. Bethea, Superintendent, submitting her resignation from her position, effective October 3, 2017, as she was changing careers. Ms. Donohue's resignation letter was officially presented to the District Board at the November 14,

2017 meeting. On November 15, 2017, the District notified Ms. Donohue that the District Board had not approved her resignation and that her separation was deemed a breach of contract. On December 7, 2017, the District reported Ms. Donohue's breach of contract to the SCDE.

After considering the evidence presented, the State Board voted to suspend Ms. Donohue's educator certificate for a period of one year, commencing March 13, 2018, and ending March 12, 2019.

CONCLUSIONS OF LAW

"The State 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) (2017). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2017), 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."

With respect to breach of contract, "any teacher who fails to comply with the provisions of his [of her] contract without written consent of the school board shall be deemed guilty of unprofessional conduct." S.C. Code Ann. § 59-25-530 (2017). "Upon the 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 Ms. Donohue breached her contract and engaged in unprofessional conduct, willfully neglected her duty, and failed to comply with the provision of her contract without the written consent of the Marion County Board of Education. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Patricia Ann Donohue, certificate 257457, for a period of one year, commencing March 13, 2018, and ending March 12, 2019. If Ms. Donohue 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 Certification, Recruitment, and Preparation, and shall meet all certification requirements in effect at the time she requests reinstatement. Ms. Donohue shall also pay all applicable reinstatement

fees. The suspension of Ms. Donohue's educator certificate 257457 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within 30 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

By:

Dr. Sharon Wall / 
Sharon Wall, Ed.D., Chair

Columbia, South Carolina
March 13, 2018