

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Katrina Adele Johnson
Certificate 293469

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on December 8, 2020. On August 10, 2020, September 17, 2020, and October 6, 2020, the South Carolina Department of Education (SCDE) sent Katrina Adele Johnson a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. The SCDE has verified Ms. Johnson's address. On October 28, 2020, the SCDE informed Ms. Johnson via regular mail that the State Board would meet on December 8, 2020, to consider action against her educator certification. Under the South Carolina Rules of Civil Procedure 5(b), Ms. Johnson has been given fair notice of constitutional due process. Ms. Johnson 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 Ms. Johnson's educator certificate for a period of one year, commencing on December 8, 2020, and ending on December 7, 2021.

FINDINGS OF FACT

This case concerns a formal complaint of Richland County School District One (District) seeking the suspension of the educator certificate of Ms. Johnson for breach of contract. The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2018) and S.C. Code Ann. § 59-25-530 (2018).

On May 7, 2019, Ms. Johnson signed a contractual agreement with the District to serve as a teacher for 2019-20 school year. Ms. Johnson stopped reporting to work after January 17, 2020. On January 22, 2020, the District informed Ms. Johnson she would need to report to work by January 29, 2020 or she may be reported as a breach of contract.

The District Board voted to report Ms. Johnson's breach of contract to the SCDE on February 25, 2020. The District reported the matter to the SCDE on February 28, 2020.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Johnson breached her contract with the District, and that just cause exists to suspend Ms. Johnson's certificate 293469 for a period of one year, commencing on December 8, 2020, and ending on December 7, 2021.

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) (2018). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2018), the State Board of Education had 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 (2018). "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 Ms. Johnson breached her 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 Katrina Adele Johnson for a period of one year, commencing on December 8, 2020, and ending on December 7, 2021.

If Ms. Johnson 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. Johnson shall also pay the applicable reinstatement fee. The

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suspension of Ms. Johnson's educator certificate 293469 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/Michael Brennan

Michael Brennan, Chair

Columbia, South Carolina

December 8, 2020