

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Brianna E. Kramer
Certificate 267062

ORDER OF SUSPENSION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on July 14, 2020. On September 17, 2019, the South Carolina Department of Education (SCDE) sent notice via regular and certified mail, return receipt requested, to Brianna E. Kramer concerning the pending action against educator certificate. Ms. Kramer timely requested a hearing and such was held on November 20, 2019. This matter is properly before the State Board pursuant to S.C. Code. Ann. §59-25-150 (2017), and referred to a hearing officer pursuant to S.C. Code. Ann. §59-5-70 (2004). After considering the evidence, testimony, and the report and recommendations presented, the State Board voted to suspend the certificate of Brianna E. Kramer, Certificate 267062, for a period of one year, commencing on July 14, 2020, and ending on July 13, 2021.

FINDINGS OF FACT

This case concerns a formal complaint by the Berkeley County School District (District) seeking the suspension of Ms. Kramer's educator certificate for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2004). Ms. Kramer holds a valid South Carolina professional educator certificate and has over five years of experience. She has no prior record of disciplinary action with the State Board.

On April 25, 2019, Ms. Kramer signed a contract as a teacher for the District for the 2019-20 school year. On August 8, 2019, Ms. Kramer submitted her resignation, effective immediately. The District informed Ms. Kramer in phone conversations, emails and text messages, that she would not be released from her contract until a suitable replacement was found. She was further advised about the consequences of a breach of contract against her educator certification. Ms. Kramer submitted a request for sick leave on August 13, 2019, the day the school year began. After August 13, 2019, Ms. Kramer failed to report to work or request further leave.

On August 20, 2019, the District sent Ms. Kramer an email asking if she intended to fulfill her contract obligations for 2019-20 school year. On August 27, 2019, the District voted to report Ms. Kramer to the SCDE as a breach of contract. During the hearing, it was revealed that Ms. Kramer heard of an available position at a charter school on August 6, 2019, and began teaching at the charter school shortly after submitting her resignation to the District.

The hearing officer found Ms. Kramer to be in breach of her contract and recommended a one-year suspension. After considering the evidence presented and the mitigating circumstances surrounding the breach, the State Board finds that Ms. Kramer breached her contract with the District. Accordingly, the State Board finds that just cause exists to accept the recommendation of the hearing officer and suspend Ms. Kramer's educator certificate for a period of one year, commencing on July 14, 2020, and ending on July 13, 2021.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. §59-25-150 (2018); The State Board may, for just cause, issue a public reprimand. S.C. Code Ann. Regs. 43-58 (2018). Just cause includes unprofessional conduct. S.C. Code Ann. §59-25-160. The State Board finds that the evidence presented supports its conclusion that just cause exists to suspend the professional educator certificate of Brianna E. Kramer in this matter. The State Board finds that just cause exists to accept the recommendation of the hearing officer and suspend Ms. Kramer's educator certificate for a period of one year, commencing on July 14, 2020, and ending on July 13, 2021.

If Ms. Kramer 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. Kramer shall also pay the applicable reinstatement fee. The suspension of Brianna E. Kramer's educator certificate 267062 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."

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AND IT IS SO ORDERED.

South Carolina State Board of Education

s/Michael Brennan
Michael Brennan, Chair

Columbia, South Carolina
July 14, 2020