

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Sharon Denise Moss
Certificate 293505

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on October 13, 2020. On August 10, 2020, the South Carolina Department of Education (SCDE) sent Ms. Moss a notice via regular and certified mail of her right to a hearing regarding the possible suspension of his South Carolina educator certificate. Ms. Moss received the notice on August 12, 2020, as evidenced by signed postal receipt. Under the South Carolina Rules of Civil Procedure 5(b), Ms. Moss has been given fair notice of constitutional due process. Ms. Moss 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. Moss' educator certificate for a period of one year, commencing October 13, 2020, and ending on October 12, 2021.

FINDINGS OF FACT

This case concerns a formal complaint of the Richland County School District One (District) seeking the suspension of the educator certificate of Ms. Moss 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 August 7, 2019, Ms. Moss signed a contractual agreement with the District to serve as a teacher for the 2019-2020 school year. Ms. Moss did not report to work after January 3, 2020. She did not request a leave of absence or submit any medical paperwork to excuse the absences. On January 7, 2020, the District reminded Ms. Moss that she was not released from her contract and would not be until a suitable replacement could be found. On January 29, 2020, the District informed Ms. Moss that her failure to report to

work while under contract constituted unprofessional conduct that may be reported to the SCDE. The District Board voted to report Ms. Moss' breach of contract to the SCDE on February 25, 2020. The District reported the matter to the SCDE on February 26, 2020.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Moss breached her contract with the District, and that just cause exists to suspend Ms. Moss' certificate 293505 for a period of one year, commencing on October 13, 2020, and ending on October 12, 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. Moss 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 Ms. Moss for a period of one year, commencing on October 13, 2020, and ending on October 12, 2021.

If Ms. Moss 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

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reinstatement. Ms. Moss shall also pay the applicable reinstatement fee. The suspension of Ms. Moss' educator certificate 293505 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
October 13, 2020