

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Sherena Ann Lee
Certificate 257491

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on September 8, 2020. On August 10, 2020, the South Carolina Department of Education (SCDE) sent Sherena Ann Lee a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. On August 18, 2020, the SCDE informed Ms. Lee that the State Board would meet on September 8, 2020, to consider action against her educator certification. Under the South Carolina Rules of Civil Procedure 5(b), Ms. Lee has been given fair notice of constitutional due process. Ms. Lee has not requested a hearing and is now in default.

After considering the evidence presented, the State Board voted to suspend Ms. Lee's educator certificate for a period of one year, commencing on September 8, 2020, and ending on September 7, 2021.

FINDINGS OF FACT

This case concerns a formal complaint of the Fairfield County School District (District) seeking the suspension of the educator certificate of Sherena Ann Lee 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 June 6, 2019, Ms. Lee signed a contractual agreement with the District to serve as a teacher for the 2019-20 school year. On February 20, 2020, Ms. Lee was requested to leave school grounds after an incident in the main office. The following day, Ms. Lee failed to report to work and did not communicate with her supervisor regarding her absence. Ms. Lee's school supervisor then reached out twice to check on Ms. Lee and did not receive a response. On February 24, 2020, Ms. Lee spoke with a District employee

from human resources. A meeting was scheduled to discuss Ms. Lee's issue the next morning. However, Ms. Lee later informed District staff she would not attend the meeting. After declining meeting, Ms. Lee ceased communicating with District staff and failed to report to work. On March 24, 2020, the District informed Ms. Lee she had not been released from her contract and may be reported as a breach of contract. The District Board voted to report Ms. Lee's breach of contract to the SCDE on April 21, 2020.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Lee breached her contract with the District, and that just cause exists to suspend Ms. Lee's certificate 257491, for a period of one year, commencing on September 8, 2020, and ending on September 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 Sherena Ann Lee 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 Sherena Ann Lee for a period of one year, commencing on September 8, 2020, and ending on September 7, 2021.

If Ms. Lee 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. Lee shall also pay the applicable reinstatement fee. The suspension of Ms. Lee's educator certificate 257491 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
September 8, 2020