

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Kathleen Lee Evans
Certificate 299997

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on December 13, 2022. On September 6, 2022, the South Carolina Department of Education (SCDE) sent Kathleen Lee Evans 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. Evans' address and the letter sent via regular mail has not been returned. On October 17, 2022, the SCDE informed Ms. Evans via regular mail that the State Board would meet on November 8, 2022, or as soon thereafter as is feasible, to consider action against her educator certification. Under the South Carolina Rules of Civil Procedure 5(b), Ms. Evans has been given fair notice of constitutional due process. Ms. Evans 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. Evans' educator certificate for a period of one year, commencing December 13, 2022, and ending on December 12, 2023.

FINDINGS OF FACT

This case concerns a formal complaint of the Aiken County Public School District (District) seeking the suspension of the educator certificate of Ms. Evans for breach of contract. The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2020) and S.C. Code Ann. § 59-25-530 (2020).

On May 9, 2022, Ms. Evans signed a contractual agreement with the District to serve as a teacher for the 2022-23 school year. On July 26, 2022, Ms. Evans submitted her resignation to the District, effective immediately. In the resignation, she cited a job offer outside of education that offered a substantially higher salary. On July 26, 2022, the District informed Ms. Evans she would not be considered for release from her contract

until a suitable candidate to fill the position was found. She did not return to fulfil her contract with the District. On August 23, 2022, the District Board voted to report Ms. Evans's breach of contract to the SCDE. The District reported the matter to the SCDE on August 25, 2022.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Evans breached her contract with the District, and that just cause exists to suspend Ms. Evans' certificate 299997 for a period of one year, commencing on December 13, 2022, and ending on December 12, 2023.

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) (2020). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2021), 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 (2020). "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. Evans 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 Kathleen Lee Evans for a period of one year, commencing on December 13, 2022, and ending on December 12, 2023.

If Ms. Evans 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

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Services and shall meet all certification requirements in effect at the time he requests reinstatement. Ms. Evans shall also pay the applicable reinstatement fee. The suspension of Ms. Evans' educator certificate 299997 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/Crystal F. Stapleton

Crystal F. Stapleton, Chair

Columbia, South Carolina
December 13, 2022