

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
George Kevin Sink
Certificate 251084

CONSENT ORDER OF SUSPENSION

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on December 13, 2022. On October 5, 2022, the South Carolina Department of Education (SCDE) sent George Kevin Sink a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate based on his breach of contract. Mr. Sink received the notice and contacted the SCDE to discuss an alternate resolution. He has agreed to waive his right to a hearing and enter into this Consent Order of Suspension.

After considering the evidence presented, the State Board voted to suspend Mr. Sink's educator certificate for a period of one year, commencing December 13, 2022, and ending December 12, 2023.

FINDINGS OF FACT

This case concerns a formal complaint from the Greenville County School District (District) seeking the suspension of the educator certificate of Mr. Sink 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 13, 2022, Mr. Sink signed a contractual agreement with the District to serve as a teacher for the 2022-23 school year. Mr. Sink submitted his resignation on August 14, 2022. In his resignation, he offered to remain for the first week of the school year but stated he no longer wished to pursue teaching. The District informed Mr. Sink that the resignation would be considered a breach of contract. He did not return to fulfil his contract with the District. On September 27, 2022, the District Board of Trustees voted to report Mr. Sink's resignation to the SCDE as a breach of contract. After the SCDE

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s/GKS
Initial
11/5/22
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notified Mr. Sink of the pending action against his educator certificate, he contacted the SCDE to discuss an alternate resolution. He has agreed to the suspension of his educator certificate for a period of one year.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Mr. Sink breached his contract with the District, and that just cause exists to suspend Mr. Sink's certificate 251084 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 (3) 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 (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."

The State Board finds that the evidence presented demonstrates that Mr. Sink breached his 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 George Kevin Sink for a period of one year, commencing on June 14, 2022, and ending on June 13, 2023. If Ms. Benjamin 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

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certification requirements in effect at the time he requests reinstatement. Mr. Sink shall also pay the applicable reinstatement fee.

The suspension of Mr. Sink's educator certificate 251084 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, 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 Stapleton, Chair

Columbia, South Carolina
December 13, 2022

I, George Kevin Sink, S.C. Educator Certificate 251084, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator certificate holders and that I have waived my right to a hearing in this matter. I understand that the terms set forth in this Consent Order of Suspension are not subject to reconsideration, collateral attack or judicial review. I have read the Consent Order of Suspension, consisting of three pages, and I freely and voluntarily agree to the terms set forth therein. I understand that this Order will be presented to the South Carolina State Board of Education for approval on Tuesday, December 13, 2022. I understand this Consent Order will not become effective until approved by the State Board and, if not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the State Board to adjudicate this matter. If approved by the State Board, I give the SCDE permission to use my electronic signature in the style of "/s/ name" for required website publication.

s/ George Kevin Sink
George Kevin Sink

11/5/22
Date