

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Kristin Marleyana Sumter
Certificate 290855

ORDER OF SUSPENSION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on December 13, 2022. On January 28, 2022, the South Carolina Department of Education (SCDE) sent a notice via regular and certified mail, return receipt requested, to Kristin Marleyana Sumter concerning the pending action against educator certificate 290855. Ms. Sumter thereafter timely requested a hearing which was held on October 24, 2022. 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 Kristin Marleyana Sumter's certificate 290855, for a period of six months, commencing on December 13, 2022, and ending on June 12, 2023.

FINDINGS OF FACT

This case concerns a formal complaint of Richland School District Two (District) seeking the suspension of the educator certificate of Ms. Sumter 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).

Ms. Sumter was a fourth grade teacher at the District for the 2021-22 school year. She worked with the District throughout the summer without incident. However, at the start of the school year, she began seeking medical treatment for personal health issues. In November, Ms. Sumter accepted an analyst position outside of the District that would include a pay increase and allow her to work from home. On December 13, 2021, Ms. Sumter informed her supervisor of

her resignation, effective December 31, 2021. Ms. Sumter stated the reason for her resignation was her personal health.

The District informed Ms. Sumter of the consequences of breaching her contract. She did not return to work after the winter break. She was informed of options for medical leave and the proper steps for release from her contract from the District Board, but did not pursue either. The Hearing Officer found the District did provide evidence that Ms. Sumter committed unprofessional conduct for breach of contract.

In considering the recommended action against Ms. Sumter's certification, the Hearing Officer stated that Ms. Sumter appeared to understand the consequences of her actions and showed genuine remorse. The Hearing Officer cited Ms. Sumter's medical issues and noted she was not medically fit at the time to teach. The Hearing Officer also noted that a suspension could be counterproductive, as Ms. Sumter is currently employed in another District and a suspension would disrupt her current teaching assignment. Therefore, the Hearing Officer recommended a one week suspension, to be served during the summer.

After considering the evidence presented, the State Board finds just cause for the suspension of Ms. Sumter's educator certificate for a period of six months, commencing on December 13, 2022, and ending on June 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 (2018). "Upon formal complaint of the school board, substantiated

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by conclusive evidence, the state board shall suspend or revoke the teacher's certificate, for a period not to exceed six calendar year." Id.

The State Board finds that the evidence presented demonstrates that Ms. Sumter 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 Kristin Marleyana Sumter for a period of six months, commencing on December 13, 2022, and ending on June 12, 2023.

AND IT IS SO ORDERED.

South Carolina Board of Education

s/Crystal F. Stapleton

Crystal F. Stapleton, Chair

Columbia, South Carolina

December 13, 2022