

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Todd D. Thompson
Certificate 246694

ORDER OF SUSPENSION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on December 13, 2022. On October 21, 2021, the South Carolina Department of Education (SCDE) sent a notice via regular and certified mail, return receipt requested, to Todd D. Thompson concerning the pending action against educator certificate 246694. Mr. Thompson thereafter timely requested a hearing, which was held on October 31, 2022. This matter is properly before the State Board pursuant to S.C Code Ann. § 59-25-150 (2020) and referred to a hearing officer pursuant to S.C. Code Ann. 59-5-70 (2020).

After considering the evidence, testimony, and the report and recommendations presented, the State Board voted to suspend the certificate of Mr. Thompson's certificate 246694, for a period of one year, commencing on December 13, 2022, and ending on December 12, 2023.

FINDINGS OF FACT

This case concerns a formal complaint of Darlington County School District (District) seeking the suspension of the educator certificate of Mr. Thompson 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 April 13, 2021, Mr. Thompson signed a contract with the District to serve as an administrator for the 2021-22 school year. On August 30, 2021, Mr. Thompson submitted his resignation to the District, effective September 15, 2021. In his resignation, Mr. Thompson stated he was leaving the District and accepting an international educator position. Mr. Thompson was notified of the District's resignation policy and the possible consequences of breaching his

contract. He did not report to work for the District after August 31, 2021. The District Board voted to report Mr. Thompson's breach of contract to the SCDE on October 11, 2021. On October 18, 2021, the District reported the matter to the SCDE.

Mr. Thompson chose not to attend the October 31, 2022 hearing and no evidence was submitted on his behalf. The Hearing Officer found the District provided sufficient testimony and evidence to prove Mr. Thompson breached his contract with the District by failing to complete the 2021-22 school year. In considering a recommended action to the State Board, the Hearing Officer noted Mr. Thompson's absence at the hearing and the hardship incurred by the District to obtain another administrator for the school year.

After considering the evidence presented, the State Board finds just cause for the suspension of Mr. Thompson's educator certificate 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 Mr. Thompson 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

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the educator certificate of Todd D. Thompson for a period of one year, commencing on December 13, 2022, and ending on December 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