

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Joanna Tine
Certificate 298142

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 8, 2022. On January 26, 2021, the South Carolina Department of Education (SCDE) sent Joanna Tine a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate based on her breach of contract. Ms. Tine timely requested a hearing and such was held on December 2, 2021. On January 25, 2022, all parties received the hearing officer's final report and recommendation.

After considering the evidence presented, the State Board voted to suspend Ms. Tine's educator certificate for a period of three months, commencing February 8, 2022, and ending on May 7, 2022.

FINDINGS OF FACT

This case concerns a formal complaint from the Charleston School District (District) seeking the suspension of the educator certificate of Ms. Tine 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 April 29, 2020, Ms. Tine signed a contractual agreement with the District to serve as a guidance counselor for the 2020-21 school year. On November 10, 2020, Ms. Tine sent a letter of resignation to the District. Ms. Tine stated she was pursuing a degree that required an internship period. The District notified Ms. Tine that she would not be released from her contract until a suitable replacement was found.

After hearing all evidence presented by the District and Ms. Tine, the Hearing Officer recommended a three-month suspension of Ms. Tine's educator certificate. The

Hearing Officer found that Ms. Tine knowingly breached her contract with the District. This burdened District staff who were required to cover Ms. Tine's workload and search for a permanent replacement for her position. However, the Hearing Officer found that Ms. Tine fulfilled a significant portion of the contract from August-November 2020. Ms. Tine was found to be a credible witness with a genuine interest in her profession.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Tine breached her contract with the District, and that just cause exists to suspend Ms. Tine's certificate 298142 for a period of three months, commencing on February 8, 2022, and ending on May 7, 2022.

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 Ms. Tine 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 Joanna Tine for a period of three months, commencing on February 8, 2022, and ending on May 7, 2022.

Joanna Tine, Certificate 298142
ORDER OF SUSPENSION
February 8, 2022
Page 3 of 3

If Ms. Tine 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. Tine shall also pay the applicable reinstatement fee. The suspension of Ms. Tine's educator certificate 298142 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/Alan Walters
Alan Walters, Chair

Columbia, South Carolina
February 8, 2022