

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Tristan Annette Moffitt
Certificate 304995

CONSENT ORDER OF PUBLIC REPRIMAND

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on October 11, 2022. On December 7, 2021, the South Carolina Department of Education (SCDE) sent Tristan Annette Moffitt a notice letter by certified mail, return receipt, restricted delivery, and regular mail, regarding possible action against her educator certificate. After receiving the notice, Ms. Moffitt contacted the SCDE to request a hearing. Prior to the hearing, Ms. Moffitt reached an agreement with Lexington County School District Two (District). Ms. Moffitt has agreed to waive her right to a hearing and enter into this Consent Order of Public Reprimand.

After considering the evidence presented, the State Board voted to accept this Consent Order of Public Reprimand.

FINDINGS OF FACT

This case concerns a formal complaint from the District seeking disciplinary action against Ms. Moffitt's educator certificate 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 July 14, 2021, Ms. Moffitt signed a contractual agreement with the District to serve as an educator for the 2021-22 school year. Ms. Moffitt submitted her resignation on August 25, 2021, effective immediately, citing personal health reasons. Ms. Moffitt also filled out the District's Separation Request Form. The Lexington County School District Two informed Ms. Moffitt that she would be released from her contract once a suitable replacement was found via letter on September 20, 2021. On September 16, 2021, the School Board of Trustees voted to

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s/TM
Initial
9/20/22
Date

report Ms. Moffitt's breach of contract to the SCDE. On December 1, 2022, the District reported the matter to the SCDE. On December 7, 2021, the SCDE sent notice of the pending action to Ms. Moffitt. Prior to the hearing, Ms. Moffitt submitted documentation to the SCDE and District demonstrating the compelling nature of her medical issue and that her condition has improved. Seeking an alternate resolution to a hearing, Ms. Moffitt and the District were able to reach an agreement of a public reprimand.

After considering the evidence presented, the State Board voted to accept the Consent Order of Public Reprimand with the terms set forth above.

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."

The State Board finds that the evidence presented demonstrates that Ms. Moffitt 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 publicly reprimand certificate 304995, issued in the name of Tristan Annette Moffitt. The public reprimand of Ms. Moffitt's educator certificate 304995 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order,

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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
October 11, 2022

I, Tristan Annette Moffitt, S.C. Educator Certificate 304995, 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 Public Reprimand are not subject to reconsideration, collateral attack, or judicial review. I have read the Consent Order of Public Reprimand, 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, October 11, 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/ Tristan Annette Moffitt
Tristan Annette Moffitt

9/20/22
Date