

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Brigitte Marie Clark
Certificate 310047

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 13, 2023. On February 2, 2023, and March 3, 2023, the South Carolina Department of Education (SCDE) sent Brigitte Marie Clark a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. The SCDE has verified Ms. Clark's address and the letter sent via regular mail has not been returned. On April 5, 2023, the SCDE informed Ms. Clark via regular mail that the State Board would meet on May 9, 2023, or as soon thereafter as is feasible, to consider action against her educator certification. Under the South Carolina Rules of Civil Procedure 5(b), Ms. Clark has been given fair notice of constitutional due process. She has not contacted the SCDE to request a hearing and is now in default.

After considering the evidence presented, the State Board voted to suspend Ms. Clark's educator certificate for a period of one year, commencing June 13, 2023, and ending on June 12, 2024.

FINDINGS OF FACT

This case concerns a formal complaint of the Fort Mill School District (District) seeking the suspension of the educator certificate of Ms. Clark 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 28, 2022, Ms. Clark signed a contractual agreement with the District to serve as a teacher for the 2022-23 school year. On October 10, 2022, Ms. Clark submitted her resignation to the District and stated she would stay until a replacement was found. The resignation was based on family responsibilities and the possible need to relocate.

On October 10, 2022, the District informed Ms. Clark she would not be released from her contract until a suitable replacement was found. The District was unable to secure a replacement prior to Ms. Clark's last day of work on November 7, 2023. The District Board voted to report Ms. Clark's breach of contract to the SCDE on December 6, 2022. The District reported the matter to the SCDE on January 31, 2022.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Clark breached her contract with the District, and that just cause exists to suspend Ms. Clark's certificate 310047 for a period of one year, commencing on June 13, 2023, and ending on June 12, 2024.

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 has 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 Ms. Clark 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 Brigitte Marie Clark for a period of one year, commencing on June 13, 2023, and ending on June 12, 2024.

Brigitte Marie Clark, 310047
ORDER OF SUSPENSION
June 13, 2023
Page 3 of 3

If Ms. Clark 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. Clark shall also pay the applicable reinstatement fee. The suspension of Ms. Clark's educator certificate 310047 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/Crystal F. Stapleton, Ed.D.

Crystal F. Stapleton, Ed.D., Chair

Columbia, South Carolina
June 13, 2023