

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Kimberly S. Murphy
Certificate 273245

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on May 9, 2023. On March 30, 2023, the South Carolina Department of Education (SCDE) sent Kimberly S. Murphy 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. Murphy timely requested a hearing in the matter. Prior to the hearing, Ms. Murphy contacted the SCDE to discuss an alternate resolution. Ms. Murphy has agreed to waive her right to a hearing and enter into this Consent Order of Suspension.

After considering the evidence presented, the State Board voted to suspend Ms. Murphy's educator certificate for a period of eight months, commencing May 1, 2023, and ending December 31, 2023.

FINDINGS OF FACT

This case concerns a formal complaint from the Aiken County Public School District seeking the suspension of the educator certificate of Ms. Murphy 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 May 9, 2022, Ms. Murphy signed a contractual agreement with the District to serve as a Special Education Teacher for the 2022-23 school year. Ms. Murphy submitted her resignation on January 27, 2023, effective immediately, citing stress from the school year negatively impacting chronic health conditions. The Aiken County Public School District informed Ms. Murphy that she would not be released from her contract until a

Kimberly S. Murphy
273245
s/KM
Initial
4/21/23
Date

suitable candidate was found to fill the position via letter on January 27, 2023. On March 14, 2023, the School Board of Trustees voted to report Ms. Murphy's breach of contract to the SCDE. On March 24, 2023, the District reported the matter to the SCDE.

After being notified of the pending action against her educator certificate, Ms. Murphy contacted the District to discuss an alternate resolution. Ms. Murphy has agreed to the suspension of her educator certificate for a period of eight months, beginning May 1, 2023, and ending December 31, 2023.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Murphy breached her contract with the District, and that just cause exists to suspend Ms. Murphy's certificate 273245 for a period of eight months, commencing on May 1, 2023, and ending December 31, 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 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."

The State Board finds that the evidence presented demonstrates that Ms. Murphy breached her contract without the consent and/or approval of the Aiken County Public School District. Accordingly, the evidence presented supports the State Board's

Kimberly S. Murphy
273245
s/KM
Initial
4/21/23
Date

determination that just cause exists to suspend the educator certificate of Kimberly S. Murphy for a period of eight months, commencing on May 1, 2023, and ending on December 31, 2023. If Ms. Murphy 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. Murphy shall also pay the applicable reinstatement fee. The suspension of Ms. Murphy's educator certificate 273245 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
May 9, 2023

Kimberly S. Murphy
273245
s/KM
Initial
4/21/23
Date

Consent Order of Suspension
Kimberly S. Murphy, Certificate 273245
May 5, 2023
Page 4

I, Kimberly S. Murphy, S.C. Educator Certificate 273245, 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 Suspension are not subject to reconsideration, collateral attack, or judicial review. I have read the Consent Order of Suspension, consisting of four 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, May 9, 2023. 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/Kimberly S. Murphy
Kimberly S. Murphy

4/21/23
Date