BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Disciplinary Action of the Educator Certificate of Samantha Autumn Turner Certificate 296961	**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 17, 2023, the South Carolina Department of Education (SCDE) sent Samantha Autumn Turner a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. Ms. Turner received the notice, as evidenced by signed postal receipt. Ms. Turner 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. Turner's educator certificate for a period of one year, commencing on May 9, 2023, and ending on May 8, 2024.

FINDINGS OF FACT

This case concerns a formal complaint of Spartanburg County School District Two (District) seeking the suspension of the educator certificate of Ms. Turner 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. Turner signed a contractual agreement with the District to serve as a teacher for the 2022-23 school year. On September 26, 2022, Ms. Turner submitted her resignation to the District, effective October 10, 2022. In her resignation, Ms. Turner stated she was leaving for personal reasons. On September 28, 2022, the District informed Ms. Turner she would not be released from her contract until a suitable replacement was found. She did not return to fulfil her contract. The District Board voted to report Ms. Turner's breach of contract to the SCDE on February 14, 2023. The District reported the matter to the SCDE on March 15, 2023.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Turner breached her contract with the District, and that just cause exists to suspend Ms. Turner's certificate 296961 for a period of one year, commencing on May 9, 2023, and ending on May 8, 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. Turner 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 Samantha Autumn Turner for a period of one year, commencing on May 9, 2023, and ending on May 8, 2024.

If Ms. Turner 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. Turner shall also pay the applicable reinstatement fee. The suspension of Ms. Turner's educator certificate 296961 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