

**BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION**

In the Matter of the  
Disciplinary Action of the  
Educator Certificate of  
Mark A. Burke  
Certificate 905008

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

**SUMMARY OF THE CASE**

The South Carolina State Board of Education (State Board) considered this matter on May 14, 2024. On February 7, 2024, the South Carolina Department of Education (SCDE) sent Mark A. Burke a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate. Mr. Burke received the notice on February 12, 2024, as evidenced by a signed postal receipt. He 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 Mr. Burke's educator certificate for a period of one year, commencing on May 14, 2024, and ending on May 13, 2025.

**FINDINGS OF FACT**

This case concerns a formal complaint from the Clarendon County School District (District) seeking the suspension of the educator certificate of Mr. Burke 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 March 30, 2023, Mr. Burke signed a contractual agreement with the District to serve as a teacher for the 2023-24 school year. On January 2, 2024, Mr. Burke submitted his resignation to the District, effective immediately. In his resignation, Mr. Burke indicated he had accepted a new position at a technical college. On January 29, 2024, the District informed Mr. Burke he was not released from his contract and would be reported to the District Board as a breach. He did not return to fulfill his contract. The District Board

voted to report Mr. Burke's breach of contract to the SCDE on January 8, 2024. The District reported the matter to the SCDE on February 6, 2024.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Mr. Burke breached his contract with the District, and that just cause exists to suspend Mr. Burke's certificate 905008 for a period of one year, commencing on May 14, 2024, and ending on May 13, 2025.

### **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 Mr. Burke breached his 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 Mark A. Burke for a period of one year, commencing on May 14, 2024, and ending on May 13, 2025.

If Mr. Burke wishes to have his educator certificate reinstated at the end of the suspension period, he shall make a written request to the SCDE's Office of Educator Services and shall meet all certification requirements in effect at the time he requests reinstatement. Mr. Burke shall also pay the applicable reinstatement fee. The suspension

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of Mr. Burke's educator certificate 905008 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/David C. O'Shields  
David C. O'Shields, Chair

Columbia, South Carolina  
May 14, 2024