

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

In the Matter of the Suspension )  
 )  
of the Educator Certificate of ) **ORDER OF SUSPENSION**  
 )  
Anna-Helena Smith, ) **(BREACH OF CONTRACT)**  
 )  
Certificate 905209 )

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**SUMMARY OF THE CASE**

The South Carolina State Board of Education (State Board) considered this matter on December 9, 2015. On February 3, 2015, the South Carolina Department of Education (SCDE) sent Anna Helena Smith a notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. On February 28, 2015, the certified notice letter was returned to the SCDE as unclaimed and unable to forward. On October 20, 2015, the SCDE contacted Ms. Smith regarding this pending disciplinary action and Ms. Smith stated she agreed to waive her right to a hearing and accept a one year suspension of her educator certificate for breach of contract.

After considering the evidence presented, the State Board voted to suspend Ms. Smith's educator certificate for a period of one year, commencing on December 9, 2015, and ending on December 8, 2016.

**FINDINGS OF FACT**

This case concerns a formal complaint by the Orangeburg County Consolidated School District Three (District) recommending the suspension of the educator certificate of Anna-Helena Smith for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (Rev. 2004) and S.C. Code Ann § 59-25-530 (Rev. 2004).

Ms. Smith holds a valid South Carolina educator certificate and has two years of teaching experience. On April 21, 2014, Ms. Smith signed a Contractual Agreement with the District for the 2014-2015 school year to work as a teacher at Lake Marion High School and Technology Center. On September 11, 2014, Ms. Smith sent a letter of resignation to the District stating that

she was resigning from the District because her husband was disabled and required around the clock care.

On September 16, 2014, the District sent Ms. Smith written notice that her request for resignation did not meet the guidelines in Board Policy GCQC and that the District would not release her from her contract until the District was able to locate and employ a suitable replacement. Board Policy GCQC states that after July 1, a release from contractual obligations will be approved by the Superintendent only for circumstances beyond the teacher's control (ex. Military/business transfer of spouse), or serious illness of teacher, and that no employee will be released until a suitable replacement has been employed or until the teacher has been formally released from his/her contract. On October 2, 2014, Ms. Smith informed the District that she was resigning from her employment, effective October 16, 2015. The District had not yet found a suitable replacement to fill Ms. Smith's teaching position.

On November 11, 2014, the District Board of Trustees voted to recommend the suspension of Ms. Smith's teaching credential for breach of contract. On December 2, 2014, the District reported this matter to the State Board.

On February 3, 2015, the South Carolina Department of Education (SCDE) sent Ms. Smith a notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. On February 28, 2015, the certified notice letter was returned to the SCDE unclaimed and unable to forward. On October 20, 2015, the SCDE contacted Ms. Smith regarding this pending disciplinary action and Ms. Smith agreed to waive her right to a hearing and accept a one year suspension for breach of contract.

After considering the evidence presented, the State Board finds that the evidence presented demonstrates that Ms. Smith breached her contract with the District, and that just cause exists to suspend Ms. Smith's educator certificate for a period of one year, commencing on December 9, 2015, and ending on December 8, 2016.

#### **CONCLUSIONS OF LAW**

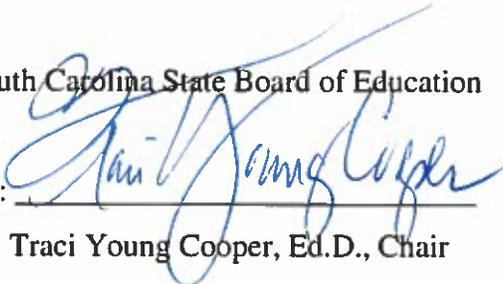
"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (Rev. 2004). Just cause includes, *inter alia*, "unprofessional conduct" and "wilful violation of the rules and regulations of the State

Smith, Anna-Helena, Certificate 905209  
Order of Suspension  
December 9, 2015  
Page 3

Board of Education.” S.C. Code Ann. § 59-25-160 (3) and (4) (Rev. 2004). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2011), the State Board of Education has the legal authority, *inter alia*, to suspend a certificate for “wilful neglect of duty” and “failure to comply with the provisions of a contract without the written consent of the local school board.” The State Board finds that the evidence presented demonstrates that Ms. Smith breached her contract and engaged in unprofessional conduct, wilfully neglected her duty, and failed to comply with the provisions of her contract without the written consent of the Orangeburg County Consolidated School District Three. The evidence presented further supports the State Board’s determination that just cause exists to suspend the educator certificate of Anna-Helena Smith, certificate 905209, for a period of one year, commencing on December 9, 2015, and ending on December 8, 2016. If Ms. Smith 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. Smith shall also pay the applicable reinstatement fee. The suspension of Ms. Smith’s educator certificate 905209 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

**AND IT IS SO ORDERED.**

South Carolina State Board of Education

By: 

Traci Young Cooper, Ed.D., Chair

Columbia, South Carolina  
December 9, 2015