

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

In the Matter of Teresa Lynn Washburn)	ORDER OF DISMISSAL
)	
Educator Certificate 274905)	(BREACH OF CONTRACT)
)	
_____)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 9, 2016. On April 11, 2016, the South Carolina Department of Education (SCDE) sent Teresa Lynn Washburn (Washburn) 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. Washburn timely requested a hearing. On May 26, 2016, a hearing was held concerning Washburn's alleged Breach of Contract with Lexington School District Two (the District). Washburn attended the hearing and presented testimony. The District did not appear.

After considering the evidence presented, the State Board hereby dismisses this action against Washburn's educator certificate.

FINDINGS OF FACT

This case concerns a formal complaint by the District seeking the suspension of the Educator Certificate of Washburn for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2004) and S.C. Code Ann § 59-25-530 (2004).

Washburn holds a valid South Carolina Educator Certificate and was employed by the District as a Special Education Resource Teacher at South Congaree and Pineview Elementary Schools. Washburn signed an Annual 1 Formative Contract for professional services with the District on September 25, 2015, for the 2015-2016 year. On February 12, 2016, Washburn tendered her resignation to the principals of both schools, effective February 19, 2016, indicating that she was leaving due to medical issues. Washburn's resignation resulted from medical

problems that she was experiencing at the time which rendered her incapable of performing her duties.

Washburn was never advised that the District was taking action against her teaching certificate. Her first knowledge of this was the April 11, 2016, letter from the SCDE advising her of her potential suspension on breach of contract grounds and her right to a hearing.

After considering the evidence presented at the May 26, 2016 hearing, the State Board finds that the evidence demonstrates that Washburn should be released from her contract with the District for medical reasons. The facts presented by Washburn are deemed to be credible and were supported by documentary evidence presented at the hearing. Accordingly, the Board hereby dismisses this action.

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 (2004). 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) (2004).

The State Board has the authority to discipline a teacher for failing to comply with the terms of his/her contract pursuant to S.C. Code Ann. §59-25-530 (2004). This section reads as follows:

Any teacher who fails to comply with the provisions of his contract without the written consent of the school board shall be deemed guilty of unprofessional conduct. A breach of contract resulting from the execution of an employment contract with another board within the State without the consent of the board first employing the teacher makes void any subsequent contract with any other school district in South Carolina for the same employment period. Upon the 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. State education agencies in other states with reciprocal certification agreements shall be notified of the revocation of the certificate.

The State Board finds that the evidence presented demonstrates that Washburn was suffering from medical problems that prevented her from performing her duties at that time.

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Although Washburn did not have the written consent of the school board as provided in §59-25-530, the facts regarding her medical condition during the period in question warrant that she should be released from her contract with the District. Accordingly, this action against Teresa Lynn Washburn, educator certificate 274905 is hereby dismissed.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: _____

Michael R. Brennan, Chair

Columbia, South Carolina
August 9, 2016