

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

In the Matter of LaShawn King)	ORDER OF DISMISSAL
)	
Educator Certificate #197296)	(BREACH OF CONTRACT)
)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 14, 2016. On April 5, 2016, the South Carolina Department of Education (SCDE) sent LaShawn King (King) 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. King timely requested a hearing. On May 5, 2016, a hearing was held concerning King's alleged Breach of Contract with Lexington School District Two (the District). Both the District and King attended the hearing.

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

FINDINGS OF FACT

This case concerns a formal complaint by the District seeking the suspension of the Educator Certificate of King 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).

King holds a valid South Carolina Educator Certificate and was employed by the District as a Guidance Counselor at Brookland Cayce High School. King signed a continuing contract with the District on April 15, 2015 for the 2015-2016 year. On January 8, 2016, King tendered her resignation to the Human Resources Department of the District. She had previously notified her principal of her impending resignation in December 2015. King's resignation resulted from medical problems that she was experiencing at the time which rendered her incapable of performing her duties. The District was pleased with her job performance prior to this and there is no reason to believe that she cannot perform her job in the future.

The District does not have a policy regarding the release of professional personnel from their employment contracts. The District sent King a letter advising her that it accepted her

resignation, which King interpreted to mean that she had been released from her contract. She thereafter received a letter from 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 5, 2016 hearing, the State Board finds that the evidence demonstrates that King should be released from her contract with the District for medical reasons. The facts presented by King 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 King was suffering from medical problems that prevented her from performing her duties at that time. Although King 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

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from her contract with the District. Accordingly, this action against Dr. LaShawn King, educator certificate #197296 is hereby dismissed.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: _____

Mr. Michael Brennan, Chair

Columbia, South Carolina

June 14, 2016