

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of) **ORDER OF SUSPENSION**
)
Sara B. Cutter,) **(BREACH OF CONTRACT)**
)
Certificate 229655)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 12, 2014. On December 18, 2013, the South Carolina Department of Education (SCDE) sent Sara B. Cutter 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 December 20, 2013, Ms. Cutter received the notice as evidenced by a domestic return receipt bearing her name. Ms. Cutter did not submit a written request to the SCDE for a hearing and is in default.

After considering the evidence presented, the State Board voted to suspend Ms. Cutter’s educator certificate for a period of one year, commencing on March 12, 2014, and ending on March 11, 2015.

FINDINGS OF FACT

This case concerns a formal complaint by the Greenville County School District (District) seeking the suspension of the educator certificate of Sara B. Cutter 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. Cutter holds a valid South Carolina educator certificate and has seven years of teaching experience. On April 24, 2013, Ms. Cutter signed a Contractual Agreement with the District for the 2013-2014 school year to work as a teacher at Woodland Elementary School. On August 8, 2013, Ms. Cutter submitted her letter of resignation, effective August 8, 2013, to the District stating “I have come to the conclusion that holding a full-time teaching position at this time in my life is not a path I need to be taking.”

On October 4, 2013, the District sent a letter to Ms. Cutter informing her that her resignation did not meet the guidelines provided in the District’s policy GBO. According to

Board Policy GBO, after July 1 of the current year, a release from contractual obligations will be approved by the Superintendent only for reasons of sickness, change of spouse's residence out of the district, maternity, or other exceptional circumstances, and no employee will be released until a satisfactory replacement has been obtained or the Superintendent determines that no replacement is necessary. The District informed Ms. Cutter that she had breached her contract and that the District would follow through with a formal complaint with the State Board

On November 13, 2013, the District informed SCDE that on October 22, 2013, the District Board of Trustees voted to recommend the suspension of Ms. Cutter's teaching credential for breach of contract.

On December 18, 2013, the SCDE sent Ms. Cutter a notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate for breach of contract by regular and certified mail, return receipt requested, delivery restricted to addressee. On December 20, 2013, Ms. Cutter received the notice as evidenced by a domestic return receipt bearing her name. Ms. Cutter did not submit a written request to the SCDE for a hearing and is in default.

After considering the evidence presented, the State Board voted to suspend Ms. Cutter's educator certificate for a period of one year, commencing on March 12, 2014, and ending on March 11, 2015.

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 Board of Education." S.C. Code Ann. § 59-25-160 (3) and (4) (Rev. 2004). Pursuant to 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. Cutter 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 Greenville County School District's

Board of Trustees. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Sara B. Cutter, certificate 229655, for a period of one year, commencing on March 12, 2014, and ending on March 11, 2015. If Ms. Cutter 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. Cutter shall also pay the applicable reinstatement fee. The suspension of Ms. Cutter's educator certificate 229655 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: 
Barry F. Bolen, Chair

Columbia, South Carolina
March 12, 2014