

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	CONSENT ORDER OF SUSPENSION
	)	
Kathryn A. Hogan	)	(BREACH OF CONTRACT)
	)	
<u>Certificate 180672</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 12, 2019. On January 24, 2019, the South Carolina Department of Education (SCDE) served Kathryn A. Hogan 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 4, 2019, Ms. Hogan contacted the SCDE, confirmed that she had received the notice via United States mail, and agreed to waive her right to a hearing and enter into this Consent Order of Suspension.

After considering the evidence presented, the State Board voted to suspend Ms. Hogan's educator certificate for a period of one year, commencing on March 12, 2019, and ending on March 11, 2020.

FINDINGS OF FACT

This case concerns a formal complaint by the Kershaw County School District (District) recommending the suspension of the educator certificate of Kathryn A. Hogan for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2017) and S.C. Code Ann § 59-25-530 (2017).

On May 8, 2018, Ms. Hogan signed a Contractual Agreement with the District to serve as a speech language pathologist for the 2018-19 school year. On November 8, 2018, Ms. Hogan submitted a resignation to the District, effective November 30, 2018. Ms. Hogan stated she was leaving the District to accept a full time position with a private health care company. On December 11, 2018, the District Board voted to report Ms. Hogan to the SCDE as a breach of contract.

The State Board finds that the evidence presented demonstrates that Ms. Hogan breached her contract with the District, and that just cause exists to suspend Ms. Hogan's

Kathryn
A. Hogan
180672

s/KAH
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certificate 180672 for a period of one year, commencing on March 12, 2019, and ending on March 11, 2020.

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 (2017). 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) (2017). 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 “willful 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. Hogan breached her contract without the consent and/or approval of the District.

The evidence presented supports the State Board’s determination that just cause exists to suspend the educator certificate of Kathryn A. Hogan for a period of one year, commencing on March 12, 2019, and ending on March 11, 2020. If Ms. Hogan 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. Hogan shall also pay the applicable reinstatement fee.

The suspension of Ms. Hogan’s educator certificate 180672 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: s/Del-Gratia Jones
Del-Gratia Jones, Chair

Columbia, South Carolina
April 9, 2019

(Signature page attached.)

Kathryn
A. Hogan
180672

s/KAH
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I, Kathryn A. Hogan, SC Educator Certificate 180672, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator certificate holders and that I have waived my right to a hearing in this matter. I understand the terms set forth in this Consent Order of Suspension are not subject to reconsideration, collateral attack or judicial review. I agree to the terms of this Consent Order of Suspension, consisting of three pages, and understand that this Order will be presented to the State Board for approval on March 12, 2019. I understand this Order will not become effective until approved by the State Board and, if not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the State Board to adjudicate this matter.

s/Kathryn A. Hogan
Kathryn A. Hogan

02/20/19
Date