

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of	)	
	)	ORDER OF SUSPENSION
Kevin L. Williamson	)	
	)	(BREACH OF CONTRACT)
Educator Certificate 205201	)	
_____	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on January 8, 2019. On November 20, 2018, the South Carolina Department of Education (SCDE) notified Kevin L Williamson, via regular and certified mail, of his right to a hearing regarding the possible suspension of his South Carolina educator certificate regarding his alleged breach of contract with Williston School District Twenty-Nine (District). Mr. Williamson received the certified mail on or before November 23, 2018, as evidenced by the signed postal receipt. Mr. Williamson has not contacted the SCDE and is now in default.

After considering the evidence presented, the State Board voted to suspend Mr. Williamson's educator certificate for a period of one year, commencing on January 8, 2019, and ending on January 7, 2020.

FINDINGS OF FACT

This case concerns a formal complaint by the District, seeking the suspension of the educator certificate of Kevin L Williamson 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 1, 2018, Mr. Williamson signed a contract with the District for the 2018-2019 school year, agreeing to serve as a teacher at Kelly Edwards Elementary School (School). On July 30, 2018, Mr. Williamson turned in his resignation, effective immediately. On July 30, 2018 and August 1, 2018, district administration notified Mr. Williamson that his resignation would not be accepted until a suitable replacement had been found and that the district expected him to honor this contract until a replacement was hired. On August 14, 2018, Cathy Roberts, bookkeeper, contacted Mr. Williamson and confirmed that he had resigned and would not be returning to duty. On September 19, 2018, the district notified Mr. Williamson that the board

voted to report his breach of contract matter to the SCDE. The SCDE received notification of the breach of contract matter on November 19, 2018.

After considering the evidence presented, the State Board voted to suspend Mr. Williamson's educator certificate for a period of one year, commencing January 8, 2019, and ending on January 7, 2020.

CONCLUSIONS OF LAW

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." 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) (Supp. 2017), 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."

With respect to breach of contract, "any teacher who fails to comply with the provisions of his [of her] contract without written consent of the school board shall be deemed guilty of unprofessional conduct." S.C. Code Ann. § 59-25-530 (2017). "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." *Id.*

The State Board finds that the evidence presented demonstrates that Mr. Williamson breached his contract and engaged in unprofessional conduct, and failed to comply with the provisions of his contract. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Kevin L. Williamson, certificate 205201, for a period of one year, commencing January 8, 2019, and ending on January 7, 2020. If Mr. Williamson wishes to have his educator certificate reinstated at the end of the suspension period, he shall make a written request to the SCDE's Office of Educator Services and shall meet all certification requirements in effect at the time he requests reinstatement. Mr. Williamson shall also pay all applicable reinstatement fees.

The suspension of Mr. Williamson's educator certificate 205201 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within 30 days from the date of

this order, with the reason stated as “unprofessional conduct, breach of contract, willful neglect of duty, and failure to comply with the provisions of a contract without the written consent of the local school board.”

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: 
Del-Gratia Jones, Chair

Columbia, South Carolina
January 9, 2019

