

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of	)	
	)	ORDER OF SUSPENSION
Anquinita A. Cochran	)	
	)	(BREACH OF CONTRACT)
Educator Certificate #261230	)	
_____	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 13, 2019. The South Carolina Department of Education (SCDE) notified Anquinita A. Cochran of her right to a hearing regarding the possible suspension of her South Carolina Educator Certificate by letter dated January 3, 2019, via certified and regular U.S. Mail. Ms. Cochran timely requested a hearing on January 10, 2019. On March 21, 2019, a hearing was held concerning Ms. Cochran's alleged breach of contract with Rock Hill School District Three (District).

After considering the evidence presented, the State Board hereby voted to suspend Ms. Cochran's educator certificate for a period of one year, commencing on August 13, 2019, and ending on August 11, 2020.

FINDINGS OF FACT

This case concerns a formal complaint by the District seeking the suspension of Ms. Cochran's educator certificate 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).

Ms. Cochran holds a valid South Carolina educator certificate and was employed as a guidance counselor with the District. She signed a contract with the District for the 2018-2019 school year on April 17, 2018. During the school year, Ms. Cochran took maternity leave with an expected return date of November 5, 2018. Ms. Cochran later requested additional FMLA leave and was told her new return date was November 26, 2018. On November 26, 2018, Ms. Cochran sent a message to her supervisor stating there was an issue with her child's daycare and she would not be in that day. On November 27, 2018, Ms. Cochran again messaged her supervisor. In this message, she informed him the daycare did not work out and she was opting to stay home with her child instead of returning to work.

The District informed Ms. Cochran that a breach of contract would result in the District reporting the matter to the SCDE. Ms. Cochran submitted her written resignation to the District on

November 29, 2018, effective immediately. On December 17, 2018, the District Board of Trustees voted to report Ms. Cochran's breach of contract to the State Board.

The hearing officer's report and recommendation considered Ms. Cochran's defense during the hearing. Ms. Cochran asserted she resigned her position on account of a medical issue she had not previously disclosed to the District. The hearing officer, finding that this did not warrant dismissal of the action, noted that Ms. Cochran did not discuss this issue with the District at the time of her resignation. Ms. Cochran further contended that discipline was not warranted in her case because she did not act with malice. The hearing officer found this argument without merit, as there is no requirement of malice in a breach of contract. The hearing officer therefore recommended a suspension for a period of one year.

After considering the evidence presented, the State Board finds that Ms. Cochran breached her contract with the District. Accordingly, the Board finds that just cause exists to suspend Ms. Cochran's educator certificate for a period of one year, commencing on August 13, 2019, and ending on August 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 (2004). Just cause includes, *inter alia*, "unprofessional conduct". S.C. Code Ann. § 59-25-160 (4) (2004). S. C. Code Ann. §59-25-530 (2004) provides that a teacher who fails to comply with the provisions of his or her contract without the written consent of the school board is deemed guilty of unprofessional conduct and subject to suspension of the educator certificate for up to one calendar year.

The State Board finds that the evidence presented demonstrates that Ms. Cochran engaged in unprofessional conduct by failing to comply with the provisions of her contract without the written consent of the District. Accordingly, the evidence presented supports the State Board's determination that just cause exists to suspend the educator certificate of Anquinita A. Cochran, Educator Certificate 261230, for a period of one year commencing on August 13, 2019, and ending on August 11, 2020.

If Ms. Cochran 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 Certification,

Recruitment, and Preparation, and shall meet all certification requirements in effect at the time she requests reinstatement. Ms. Cochran shall also pay all applicable reinstatement fees. The suspension of Ms. Cochran's educator certificate 261230 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty (30) days from the date of this order with the reason stated as "unprofessional conduct for breach of contract 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: s/Del-Gratia Jones
Del-Gratia Jones, Chair

Columbia, South Carolina
August 13, 2019