

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)	
)	
Of the Educator Certificate of)	ORDER OF SUSPENSION
)	
Kelly Y. Carter)	(BREACH OF CONTRACT)
)	
Certificate 242852)	
_____)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 14, 2012. The South Carolina Department of Education (SCDE) sent Kelly Y. Carter 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 the addressee December 2, 2011. Ms. Carter requested a hearing in a letter received December 20, 2011. On January 4, 2012 a notice of hearing was sent both regular and certified mail, return receipt requested to the last known address of Ms. Carter. The regular mail was not returned. The certified mail was eventually returned "unclaimed." On January 27, 2012, a hearing was held concerning Ms. Carter's alleged breach of contract with the Lee County School District.

After considering the evidence presented, the State Board voted to suspend Ms. Carter's educator certificate for a period of one year, commencing March 14, 2012 and ending March 13, 2013.

FINDINGS OF FACT

This case concerns a formal complaint by the Lee County School District (District) seeking the suspension of the educator certificate of Kelly Y. Carter 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. Carter holds a valid South Carolina educator certificate and had been employed by the Lee County School District as a social studies teacher for the 2010-2011 school year. On January 26, 2011, Ms. Carter submitted an electronic letter of resignation to be effective February 18, 2011. The District informed Ms. Carter that her resignation would be accepted, but she must report to work until a suitable replacement could be found. She failed to do so. On February 28, 2011, the Lee County Board

of Trustees accepted her resignation pending the finding of a suitable replacement. Ms. Carter was directed to return to work no later than March 9, 2011, to avoid being recommended for termination and action to suspend her teaching certificate. She failed to do so. On March 12, 2011, Ms. Carter was informed that her failure to return to work and her failure to inform her principal of her absences was considered abandonment of her employment with the district. On March 21, 2011, the Lee County Board of Trustees voted to terminate her contract with the district and institute proceedings to suspend her teaching certificate.

The SCDE sent Ms. Carter 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 the addressee December 2, 2011. Ms. Carter requested a hearing in a letter received December 20, 2011. On January 4, 2012, a notice of hearing was sent both regular and certified mail, return receipt requested to the last known address of Ms. Carter. The regular mail was not returned. The certified mail was eventually returned "unclaimed." On January 27, 2012, a hearing was held concerning Ms. Carter's alleged breach of contract with the Lee County School District.

After considering the evidence presented, the State Board finds that Ms. Carter breached her contract with the District, and that just cause exists to suspend Ms. Carter's educator certificate for a period of one year, commencing on March 14, 2012, and ending March 13, 2013.

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) (2004). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (Supp. 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. Carter breached her contract and engaged in unprofessional conduct, willfully neglected her duty, and failed to comply with the provision of her contract without the written consent of the Lee County Board of Education. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Kelly Y. Carter certificate 242852, for a period of one year, commencing March 14, 2012, and ending March 13, 2013. If Ms. Carter 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. Carter shall also pay all applicable reinstatement fees. The suspension of Ms. Carter's educator certificate 242852 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 
Dennis Thompson Jr., Chair

Columbia, South Carolina
March 14, 2012