

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)

of the Educator Certificate of)

Kathleen G. Hoekstra,)

Certificate 238681)

ORDER OF SUSPENSION

(BREACH OF CONTRACT)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on September 8, 2011. On May 27, 2011, the South Carolina Department of Education (SCDE) sent Kathleen G. Hoekstra 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 May 31, 2011, Ms. Hoekstra received the notice as evidenced by the postal receipt bearing her signature. On, December 12, 2011, Ms. Hoekstra requested a hearing. On August 5, 2011, a hearing was held concerning Ms. Hoekstra's alleged Breach of Contract with the Fairfield County School District.

After considering the evidence presented, the State Board voted to suspend Ms. Hoekstra's educator certificate for a period of one year, commencing on September 8, 2011, and ending on September 7, 2012.

FINDINGS OF FACT

This case concerns a formal complaint by the Fairfield County School District (District) seeking the suspension of the educator certificate of Kathleen G. Hoekstra 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. Hoekstra holds a valid South Carolina educator certificate and has over nineteen years of teaching experience. On April 23, 2010, Ms. Hoekstra signed a Contractual Agreement with the District for the 2010-2011 school year to work as a Teacher for the District. On March 28, 2011, Ms. Hoekstra sent a letter of resignation to the District stating that she was resigning from the District, effective April 26, 2011 and her last day of work would be March 31, 2011.

On April 20, 2011, the District gave Ms. Hoekstra written notice that her resignation would be considered, but she had to return to work until the District could secure a suitable replacement. The letter also advised Ms. Hoekstra that if the resignation was not accepted and she failed to continue to perform her contractual duties, then the breach may be reported to the State Board of Education for unprofessional conduct.

On May 9, 2011, the District sent a letter to the SCDE which advised that Ms. Hoekstra was terminated from her employment as a Middle Level Foreign Language Teacher on May 3, 2011, and that her failure to report to work is considered by the District as abandonment of employment.

On May 27, 2011, the South Carolina Department of Education (SCDE) sent Kathleen G. Hoekstra 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 May 31, 2011, Ms. Hoekstra received the notice as evidenced by the postal receipt bearing her signature. On, December 12, 2011, Ms. Hoekstra requested a hearing. On August 5, 2011, a hearing was held concerning Ms. Hoekstra's alleged Breach of Contract with the Fairfield County School District.

After considering the evidence presented, the State Board finds that the evidence presented demonstrates that Ms. Hoekstra breached her contract with the District, and that just cause exists to suspend Ms. Hoekstra's educator certificate for a period of one year, commencing on September 8, 2011, and ending on September 7, 2012.

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" 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. 2010), 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. Hoekstra breached her contract and engaged in unprofessional conduct, willfully neglected her duty, and failed to comply with the provisions of her contract without the written consent of the Fairfield County Board of Education. The evidence presented further supports the State Board’s determination that just cause exists to suspend the educator certificate of Kathleen G. Hoekstra, certificate 238681, for a period of one year, commencing on September 8, 2011, and ending on September 7, 2012. If Ms. Hoekstra 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. Hoekstra shall also pay all applicable reinstatement fees. The suspension of Ms. Hoekstra’s educator certificate 238681 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order with the reason stated as “unprofessional conduct for 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: 
Gerrita Postlewait, Chair

Columbia, South Carolina
September 8, 2011