

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Alexandra Naomi Kehoe
Certificate 288445

**ORDER OF SUSPENSION
(BREACH OF CONTRACT)**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 11, 2020. On October 29, 2019, the South Carolina Department of Education (SCDE) sent Alexandra Naomi Kehoe a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. Ms. Kehoe declined to sign for the certified mail and the letter sent regular mail has not been returned. Under South Carolina Rules of Civil Procedure 5(b), Ms. Kehoe has been given fair notice of constitutional due process. She has not requested a hearing and is now in default.

After considering the evidence presented, the State Board voted to suspend Ms. Kehoe's educator certificate for a period of one year, commencing February 11, 2020, and ending February 9, 2021.

FINDINGS OF FACT

This case concerns a formal complaint from Richland County School District One (District) seeking the suspension of the educator certificate of Ms. Kehoe for breach of contract. The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2018) and S.C. Code Ann. § 59-25-530 (2018).

On April 25, 2019, Ms. Kehoe signed a contractual agreement with the District to serve as a teacher for 2019-20 school year. On August 2, 2019, Ms. Kehoe submitted her resignation to the District. On August 27, 2019, the District met with Ms. Kehoe and informed her she would not be released from her contract until a suitable replacement could be found. On September 9, 2019, the District informed Ms. Kehoe she must return to work before September 16, 2019, or she would be reported to the SCDE as a breach of

contract. On October 22, 2019, the District Board of Trustees upheld the recommendation to report Ms. Kehoe to the SCDE as a breach of contract.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Kehoe breached her contract with the District, and that just cause exists to suspend Ms. Kehoe's certificate 288445 for a period of one year, commencing on February 11, 2020, and ending on February 9, 2021.

CONCLUSIONS OF LAW

"The South Carolina 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) (2018). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2018), the State Board of Education had the legal authority to suspend a certificate for "failure to comply with the provision 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 [or her] contract without written consent of the school board shall be deemed guilty of unprofessional conduct." S. C. Code Ann. § 59-25-530 (2018). "Upon 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 Ms. Kehoe breached her contract without the consent and/or approval of the District. Accordingly, the evidence presented supports the State Board's determination that just cause exists to suspend the educator certificate of Alexandra Naomi Kehoe for a period of one year, commencing on February 11, 2020, and ending on February 9, 2021.

If Ms. Kehoe 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. Kehoe shall also pay the applicable reinstatement fee. The suspension

Alexandra Naomi Kehoe, Certificate 288445
Order of Suspension
Page 3

of Ms. Kehoe's educator certificate 288445 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, 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

s/Michael Brennan
Michael Brennan, Chair

Columbia, South Carolina
February 11, 2020