

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Deanna Kay Cunningham
Certificate 266494

ORDER OF SUSPENSION
(Breach of Contract)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on July 14, 2020. The South Carolina Department of Education (SCDE) notified Deanna Kay Cunningham of potential disciplinary action against her teaching certificate and informed her of her right to a hearing via a certified letter dated December 12, 2018. Ms. Cunningham timely requested a hearing and such was held on November 7, 2019. On March 3, 2020, the SCDE and Ms. Cunningham received the hearing officer's final report and recommendation. After considering the evidence presented, the State Board hereby voted to suspend Ms. Cunningham's educator certificate for a period of one year, commencing on July 14, 2020 and ending on July 13, 2021.

FINDINGS OF FACT

This case concerns a formal complaint by the Marion County School District (District) seeking the suspension of Ms. Cunningham'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). Ms. Cunningham holds a valid South Carolina professional educator certificate and has over four years of experience. She has no prior record of disciplinary action with the State Board.

On March 9, 2018, Ms. Cunningham signed an induction contract as a teacher for the District for the 2018-19 school year. On August 1, 2018, the District and Ms. Cunningham agreed to an annual contract instead of the induction contract. Ms. Cunningham was assigned to Britton's Neck Elementary School (School). However, on September 10, 2018, the School was closed due to flooding from Hurricane Florence. On October 1, 2018, all of the School's students and staff were officially relocated to Marion Intermediate School.

During the hearing, Ms. Cunningham testified that the new location increased her daily commute to approximately three hours a day, which resulted in additional personal and professional stress for her. Ms. Cunningham spoke with staff at the school and with District staff, and requested an assignment closer to her home. The District testified that it did not have another open position at the time and Ms. Cunningham was needed for the students she had been assigned to who were relocated. Ms. Cunningham resigned from the District on October 26, 2018. The District testified that Ms. Cunningham was an excellent teacher whom they would welcome back, but she had not been released from her contract when she left on November 7, 2018. Ms. Cunningham's class was subsequently incorporated into classrooms with teams of other teachers until February of 2019, when a replacement was located and hired. On November 30, 2018, the District reported Ms. Cunningham to the SCDE as a breach of contract. The Hearing Officer found Ms. Cunningham's departure left a classroom of fourth grade students without a teacher at a time when the District was already burdened by circumstance beyond its control. She further found that Ms. Cunningham's resignation and failure to follow District procedures evidence that she is in breach of her contract, and recommended a suspension of one year of her educator certificate.

After considering the evidence presented and considering the mitigating circumstances from testimony from the hearing, the State Board finds that Ms. Cunningham breached her contract with the District. Accordingly, the State Board finds that just cause exists to accept the recommendation of the hearing officer and suspend Ms. Cunningham's educator certificate for a period of one year, commencing on July 14, 2020, and ending on July 13, 2021.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. §59-25-150 (2018); The State Board may, for just cause, issue a public reprimand. S.C. Code Ann. Regs. 43-58 (2018). Just cause includes unprofessional conduct. S.C. Code Ann. §59-25-160. The State Board finds that

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the evidence presented supports its conclusion that just cause exists to suspend the professional educator certificate of Deanna Kay Cunningham in this matter. The State Board finds that just cause exists to accept the recommendation of the hearing officer and suspend Ms. Cunningham's educator certificate for a period of one year, commencing on July 14, 2020, and ending on July 13, 2021.

If Ms. Cunningham 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. Cunningham shall also pay the applicable reinstatement fee. The suspension of Deanna Kay Cunningham's educator certificate 266494 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
July 14, 2020