

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Amber Cooper
Certificate 277870

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 10, 2021. On January 8, 2021, the South Carolina Department of Education (SCDE) sent Amber Cooper a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. Ms. Cooper contacted the SCDE but did not request a hearing. June 22, 2021, the SCDE informed Ms. Cooper via regular and certified mail that the State Board would meet on August 10, 2021, to consider action against her educator certification. Under the South Carolina Rules of Civil Procedure 5(b), Ms. Cooper has been given fair notice of constitutional due process. Ms. Cooper has not contacted the SCDE to request a hearing and is now in default.

After considering the evidence presented, the State Board voted to suspend Amber Cooper's educator certificate for a period of one year, commencing August 10, 2021, and ending on August 9, 2022.

FINDINGS OF FACT

This case concerns a formal complaint of the Chester County School District (District) seeking the suspension of the educator certificate of Amber Cooper 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 May 20, 2020, Ms. Cooper signed a contractual agreement with the District to serve as a teacher for 2020-21 school year. On August 4, 2020, Ms. Cooper submitted her resignation to the District, effective August 20, 2020. On August 5, 2020, the District informed Ms. Cooper she would not be released from her contract until a suitable replacement was found and was expected to report to work until officially released. Ms. Cooper stated she understood the consequences of breaching her contract and wished

to resign from the District. The District Board voted to report Ms. Cooper's breach of contract to the SCDE on August 24, 2020. The District reported the matter to the SCDE on January 4, 2021.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Amber Cooper breached her contract with the District, and that just cause exists to suspend Amber Cooper's certificate 277870 for a period of one year, commencing on August 10, 2021, and ending on August 9, 2022.

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 Amber Cooper 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 Amber Cooper for a period of one year, commencing on August 10, 2021, and ending on August 9, 2022.

If Amber Cooper 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

Amber Cooper 277870
ORDER OF SUSPENSION
August 10, 2021
Page 3 of 3

reinstatement. Amber Cooper shall also pay the applicable reinstatement fee. The suspension of Amber Cooper's educator certificate 277870 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/ Kristi Woodall
Kristi Woodall, Ed.D., Chair

Columbia, South Carolina
August 10, 2021