

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Cody Sherman Kriegsman
Certificate 300968

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on December 14, 2021. On October 26, 2021, the South Carolina Department of Education (SCDE) sent Cody Sherman Kriegsman a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate. The SCDE has verified Mr. Kriegsman's address and the letter sent via regular mail has not been returned. On October 30, 2021, Mr. Kriegsman received the notice as evidenced through a signed postal receipt. Under the South Carolina Rules of Civil Procedure 5(b), Mr. Kriegsman has been given fair notice of constitutional due process. Mr. Kriegsman 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 Cody Sherman Kriegsman's educator certificate 300968 for a period of one year, commencing December 14, 2021, and ending on December 13, 2022.

FINDINGS OF FACT

This case concerns a formal complaint of the Williston School District 29 (District) seeking the suspension of the educator certificate of Cody Sherman Kriegsman 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 7, 2021, Mr. Kriegsman signed a contractual agreement with the District to serve as a teacher for the 2021-22 school year. On September 7, 2021, Mr. Kriegsman submitted his resignation to the District, effective September 17, 2021. On September 13, 2021, the District informed Mr. Kriegsman that he would not be released from his contract until a suitable replacement was found. The District Board voted to report Mr.

Kriegsman's breach of contract to the SCDE on September 9, 2021. The District reported the matter to the SCDE on October 4, 2021.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Mr. Kriegsman breached his contract with the District, and that just cause exists to suspend Mr. Kriegsman certificate 300968 for a period of one year, commencing on December 14, 2021, and ending on December 13, 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 Mr. Kriegsman breached his 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 Cody Sherman Kriegsman for a period of one year, commencing on December 14, 2021, and ending on December 13, 2022.

If Mr. Kriegsman wishes to have his educator certificate reinstated at the end of the suspension period, he shall make a written request to the SCDE's Office of Educator Services, and shall meet all certification requirements in effect at the time he requests reinstatement. Mr. Kriegsman shall also pay the applicable reinstatement fee. The

Cody Sherman Kriegsman, CERTIFICATE 300968
ORDER OF SUSPENSION
December 14, 2021
Page 3 of 3

suspension of Mr. Kriegsman's educator certificate 300968 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/Alan Walters
Alan Walters, Chair

Columbia, South Carolina
December 14, 2021