

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the  
Disciplinary Action of the  
Educator Certificate of  
Mackenzie Collins Rash  
Certificate 274832

**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 September 9, 2021, the South Carolina Department of Education (SCDE) sent Mackenzie Collins Rash a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. The SCDE has verified Ms. Rash's address and the letter sent via regular mail has not been returned. On September 18, 2021, Ms. Rash received the notice as evidenced through a signed postal receipt. Under the South Carolina Rules of Civil Procedure 5(b), Ms. Rash has been given fair notice of constitutional due process. Ms. Rash 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 Mackenzie Collins Rash's educator certificate 274832 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 Anderson County School District Five (District) seeking the suspension of the educator certificate of Mackenzie Collins Rash 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 23, 2021, Ms. Rash signed a contractual agreement with the District to serve as a teacher for the 2021-22 school year. On August 15, 2021, Ms. Rash submitted her resignation to the District, effective immediately. In her resignation, Ms. Rash alleged a loss of childcare due to Covid. On September 16, 2021, the District informed Ms. Rash that she would not be released from her contract until a suitable replacement was found.

The District Board voted to report Ms. Rash's breach of contract to the SCDE on August 17, 2021. The District reported the matter to the SCDE on August 30, 2021.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Rash breached her contract with the District, and that just cause exists to suspend Ms. Rash's certificate 274832 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 Ms. Rash 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 Mackenzie Collins Rash for a period of one year, commencing on December 14, 2021, and ending on December 13, 2022.

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

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of Ms. Rash's educator certificate 274832 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