

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Lizzie Morgan Payne
Certificate 295034

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on January 12, 2021. On October 2, 2020, the South Carolina Department of Education (SCDE) sent Lizzie Morgan Payne a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. An individual at the address signed for the certified letter on October 9, 2020, as evidenced by postal tracking. The SCDE has verified Ms. Payne's address and the letter sent via regular mail has not been returned. On October 22, 2020, the SCDE informed Ms. Payne via regular mail that the State Board would meet on or about December 8, 2020, to consider action against her educator certification. Under the South Carolina Rules of Civil Procedure 5(b), Ms. Payne has been given fair notice of constitutional due process. She 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 Ms. Payne's educator certificate for a period of one year, commencing January 12, 2021, and ending on January 11, 2022.

FINDINGS OF FACT

This case concerns a formal complaint of Richland County School District Two (District) seeking the suspension of the educator certificate of Ms. Payne 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 3, 2020, Ms. Payne signed a contractual agreement with the District to serve as a teacher for 2020-21 school year. On August 21, 2020, Ms. Payne submitted a separation request to the District. She stated she had been offered a post-secondary

position. Upon receipt of the request, the District informed Ms. Payne she would not be released from her contract until a suitable replacement was found and the request was approved by the District Superintendent. On August 26, 2020, Ms. Payne notified the District she could not continue working until a suitable replacement was found due to her husband's military retirement and their relocation out-of-state. The District Board voted to report Ms. Payne's breach of contract to the SCDE on September 8, 2020. The District reported the matter to the SCDE on September 10, 2020.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Payne breached her contract with the District, and that just cause exists to suspend Ms. Payne's certificate 295034 for a period of one year, commencing on January 12, 2021, and ending on January 11, 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. Payne 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

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to suspend the educator certificate of Lizzie Morgan Payne for a period of one year, commencing on January 12, 2021, and ending on January 11, 2022.

If Ms. Payne 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. Payne shall also pay the applicable reinstatement fee. The suspension of Ms. Payne's educator certificate 295034 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, Ed.D.

Kristi Woodall, Ed.D., Chair

Columbia, South Carolina
January 12, 2021