

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Susan Leah Cuthbertson
Certificate 290144

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 12, 2022. On February 11, 2022, the South Carolina Department of Education (SCDE) sent Susan Leah Cuthbertson a notice via regular and certified mail, return receipt requested, of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. Ms. Cuthbertson received the notice, as evidenced by signed postal receipt. On March 10, 2022, the SCDE notified Ms. Cuthbertson that this matter would be presented to the State Board on April 12, 2022. She has not contacted the SCDE to request a hearing and is now in default.

Considering the evidence presented, the State Board voted to suspend Ms. Cuthbertson's educator certificate for a period of one year, commencing April 12, 2022, and ending on April 11, 2023.

FINDINGS OF FACT

This case concerns a formal complaint of Lexington County School District Two (District) seeking the suspension of the educator certificate of Ms. Cuthbertson 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 30, 2021, Ms. Cuthbertson signed a contractual agreement to serve as a teacher with the District for the 2021-22 school year. On October 3, 2021, Ms. Cuthbertson submitted her resignation to the District, effective October 22, 2021. On October 20, 2021, the District notified Ms. Cuthbertson that the resignation would be considered a breach of contract. The

District Board voted to report Ms. Cuthbertson's breach of contract to the SCDE on October 19, 2021. On January 31, 2022, the District reported the matter to the SCDE.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Cuthbertson breached her contract with the District, and that just cause exists to suspend Ms. Cuthbertson, certificate 290144, for a period of one year, commencing on April 12, 2022, and ending on April 11, 2023.

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. Cuthbertson 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 Susan Leah Cuthbertson for a period of one year, commencing on April 12, 2022, and ending on April 11, 2023.

If Ms. Cuthbertson 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. Cuthbertson shall also pay the applicable reinstatement fee. The suspension of Ms. Cuthbertson's educator certificate 290144 shall be reported to the NASDTEC Clearinghouse and all South

Susan Leah Cuthbertson, Certificate 290144

ORDER OF SUSPENSION

April 12, 2022

Page 3 of 3

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

April 12, 2022