

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Kabrina Nicole Cureton
Certificate 274414

**ORDER OF DISMISSAL
(BREACH OF CONTRACT)**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 9, 2022. On February 4, 2022, the South Carolina Department of Education (SCDE) sent Kabrina Nicole Cureton 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. Cureton requested a hearing on February 15, 2022. The parties agreed to a hearing on the documents, to be submitted to the Hearing Officer by May 6, 2022. In her Final Report and Recommendation, the Hearing Officer recommended that the State Board issue an order of dismissal and take no action against Ms. Cureton's certificate. Considering the evidence presented, the State Board hereby dismisses this action against Ms. Cureton's educator certification 274414.

FINDINGS OF FACT

This case concerns a formal complaint of Cherokee County School District (District) seeking the suspension of the educator certificate of Ms. Cureton 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).

Ms. Cureton acknowledged that in April 2021, she signed a contract to work for the District during the 2021-22 school year. At the beginning of that school year, Ms. Cureton discussed possibly resigning from the District before choosing to take leave under the Family and Medical Leave Act (FMLA). At the end of the FMLA leave, Ms. Cureton did submit her resignation

to the District. The District notified Ms. Cureton that she would not be released from her contract until a suitable replacement was located.

In reviewing all submitted documentation in this matter, the Hearing Officer found substantial evidence that Ms. Cureton resigned prior to fulfilling the duties of her contract with the District. However, a breach of contract requires both evidence of a valid contract and the breach itself. To know what qualifies as a breach of contract with a South Carolina school district, the Hearing Officer must review that district's resignation policies. In submitting documentation in this matter, the District failed to provide a copy of the relevant policy. Therefore the Hearing Officer was unable to determine if Ms. Cureton's resignation included a potentially reasonable basis for failing to fulfil her contract under District policy. The Hearing Officer recommended the action against Ms. Cureton's educator certification be dismissed.

After considering the evidence, the State Board finds that the evidence presented demonstrates that the District failed to prove Ms. Cureton breached her contract, and that just cause exists to dismiss the action against Ms. Cureton's educator certificate 274414.

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 supports its conclusion that just cause does not exist to suspend the professional educator certificate of Ms. Cureton in this matter.

Kabrina Nicole Cureton Certificate 274414

ORDER OF DISMISSAL

August 9, 2022

Page 3 of 3

Accordingly, this action against Kabrina Nicole Cureton, educator certificate 274414 is hereby dismissed.

AND IT IS SO ORDERED.

South Carolina State Board of Education

s/Alan Walters

Alan Walters, Chair

Columbia, South Carolina

August 9, 2022