

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Kathryn Jane Rice
Certificate 290215

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 9, 2022. On March 3, 2022, the South Carolina Department of Education (SCDE) sent Kathryn Jane Rice a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. Ms. Rice received the notice on March 11, 2022, as evidenced by signed postal receipt. On March 30, 2022, the SCDE sent notice to Ms. Rice that this matter would be presented to the SCDE on May 17, 2022, or as soon thereafter as is feasible. 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. Rice's educator certificate for a period of one year, commencing on August 9, 2022, and ending on August 8, 2023.

FINDINGS OF FACT

This case concerns a formal complaint of the Greenville County School District (District) seeking the suspension of the educator certificate of Ms. Rice 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 1, 2021, Ms. Rice signed a contractual agreement with the District to serve as an educator for the 2021-22 school year. On January 20, 2022, Ms. Rice submitted her resignation to the District, effective February 3, 2022. On January 26, 2022, the District informed Ms. Rice she would not be released from her contract until a satisfactory replacement had been obtained or the superintendent determined no replacement necessary. The District Board voted to report Ms. Rice's breach of contract

to the SCDE on February 22, 2022. The District reported the matter to the SCDE on March 3, 2022.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Rice breached her contract with the District, and that just cause exists to suspend Ms. Rice's certificate 290215 for a period of one year, commencing on August 9, 2022, and ending on August 8, 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. Rice 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 Kathryn Jane Rice for a period of one year, commencing on August 9, 2022, and ending on August 8, 2023.

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

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of Ms. Rice's educator certificate 290215 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
August 9, 2022