BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Disciplinary Action of the Educator Certificate of Daijah Pinnick Certificate 300152	**ORDER OF SUSPENSION** **(BREACH OF CONTRACT)**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 8, 2022. On November 3, 2021, the South Carolina Department of Education (SCDE) sent Daijah Pinnick 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. Pinnick's address and the letters have not been returned. On January 6, 2022, the SCDE sent Ms. Pinnick notice that the action against her certification would be presented to the State Board on February 8, 2022. 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. Pinnick's educator certificate for a period of one year, commencing February 8, 2022, and ending on February 7, 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. Pinnick 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 10, 2021, Ms. Pinnick signed a contractual agreement with the District to serve as a teacher for 2021-22 school year. On August 2, 2021, Ms. Pinnick submitted her resignation to the District, effective immediately. In her resignation, Ms. Pinnick cited family obligations. On August 20, 2021, the District informed Ms. Pinnick that the District Board of Trustees voted to report her breach of contract to the SCDE.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Pinnick breached her contract with the District, and that just cause

exists to suspend Ms. Pinnick's certificate 300152 for a period of one year, commencing on February 8, 2022 and ending on February 7, 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. Pinnick 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 Daijah Pinnick for a period of one year, commencing on February 8, 2022, and ending on February 7, 2023.

If Ms. Pinnick 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. Pinnick shall also pay the applicable reinstatement fee. The suspension of Ms. Pinnick educator certificate 300152 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
February 8, 2022