

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Dawn Sheree Whittle
Certificate 257539

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on January 11, 2022. On October 20, 2021, the South Carolina Department of Education (SCDE) sent Ms. Whittle 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. Whittle's address and the letter sent via regular mail has not been returned. Ms. Whittle received the notice on October 23, 2021, as evidenced by signed postal receipt. On November 18, 2021, the SCDE sent Ms. Whittle a final notice letter via regular mail informing her that the State Board would meet to consider action against her educator certificate. Under the South Carolina Rules of Civil Procedure 5(b), Ms. Whittle has been given fair notice of constitutional due process. Ms. Whittle 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 Dawn Sheree Whittle educator certificate for a period of one year, commencing January 11, 2022, and ending on January 10, 2023.

FINDINGS OF FACT

This case concerns a formal complaint from Richland County School District Two (District) seeking the suspension of the educator certificate of Dawn Sheree Whittle 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 7, 2021, Ms. Whittle signed a contractual agreement with the District to serve as a teacher for 2021-2022 school year. On July 23, 2021, Ms. Whittle submitted her Notice of Separation to the District, effective July 18, 2021. In her notice, Ms. Whittle stated that she resigned her position with the District after accepting a position outside

of education. The District informed Ms. Whittle she would not be released from her contract. The District Board voted to report Ms. Whittle's breach of contract to the SCDE on October 12, 2021. The District reported the matter to the SCDE on October 13, 2021.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Dawn Sheree Whittle breached her contract with the District, and that just cause exists to suspend Ms. Whittle's certificate 257539 for a period of one year, commencing on January 11, 2022 and ending on January 10, 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. Whittle 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 Dawn Sheree Whittle for a period of one year, commencing on January 11, 2022, and ending on January 10, 2023.

If Ms. Whittle 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

Dawn Sheree Whittle, CERTIFICATE 257539
ORDER OF SUSPENSION
January 11, 2022
Page 3 of 3

reinstatement. Ms. Whittle shall also pay the applicable reinstatement fee. The suspension of Ms. Whittle's educator certificate 257539 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
January 11, 2022