

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Brittany LeAnn Hoss
Certificate 282247

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on May 17, 2022. On March 8, 2022, the South Carolina Department of Education (SCDE) sent Brittany LeAnn Hoss 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. Hoss' address and the letter sent via regular mail has not been returned. On April 4, 2022, the SCDE informed Ms Hoss via regular mail that the State Board would meet on May 17, 2022, to consider action against her educator certification. Under the South Carolina Rules of Civil Procedure 5(b), Ms. Hoss has been given fair notice of constitutional due process. Ms. Hoss 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. Hoss' educator certificate 282247 for a period of one year, commencing May 17, 2022, and ending on May 16, 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 Brittany LeAnn Hoss 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. Hoss signed a contractual agreement with the District to serve as an educator for 2021-22 school year. On November 17, 2021, Ms. Hoss submitted her resignation to the District, effective November 26, 2021. On November 19, 2021, the District informed Ms. Hoss that her resignation was considered a breach of contract and reported to the District Board on November 18, 2021. The District Board voted to report

Ms. Hoss's breach of contract to the SCDE. The District reported the matter to the SCDE on March 4, 2022.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Hoss breached her contract with the District, and that just cause exists to suspend Ms. Hoss's certificate 282247 for a period of one year, commencing on May 17, 2022, and ending on May 16, 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. Hoss 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 Brittany LeAnn Hoss for a period of one year, commencing on May 17, 2022, and ending on May 16, 2023.

If Ms. Hoss 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 he requests reinstatement. Ms. Hoss shall also pay the applicable reinstatement fee. The suspension

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of Brittany LeAnn Hoss's educator certificate 282247 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

Alan Walters, Chair

Columbia, South Carolina

May 17, 2022