BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Disciplinary Action of the Educator Certificate of Tara Cary Certificate 298715	**ORDER OF SUSPENSION** **(BREACH OF CONTRACT)**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on November 8, 2022. On September 6, 2022, the South Carolina Department of Education (SCDE) sent Tara Cary a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. Ms. Cary received the notice on September 13, 2022, as evidence by signed postal receipt. 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. Cary's educator certificate for a period of one year, commencing on November 8, 2022, and ending on November 7, 2023.

FINDINGS OF FACT

This case concerns a formal complaint of the Aiken County Public School District (District) seeking the suspension of the educator certificate of Ms. Cary 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 20, 2022, Tara Cary signed a contractual agreement with the District to serve as a teacher for the 2022-23 school year. On May 27, 2022, Ms. Cary submitted her resignation to the District, effective for the 2022-23 school year. She did not provide a reason for the resignation. On May 31, 2022, the District informed Ms. Cary she was not released from her contract and would not be considered for release until the District was able to find a suitable candidate to fill the position. She did not return to fulfill her contract. The District Board voted to report Ms. Cary's breach of contract to the SCDE on August 23, 2022. The District reported the matter to the SCDE on August 25, 2022.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Cary breached her contract with the District, and that just cause exists to suspend Ms. Cary's certificate 298715 for a period of one year, commencing on November 8, 2022, and ending on November 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. Cary 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 Tara Cary for a period of one year, commencing on November 8, 2022, and ending on November 7, 2023.

If Ms. Cary 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. Cary shall also pay the applicable reinstatement fee. The suspension of Ms. Cary's educator certificate 298715 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
November 8, 2022