

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Karen W. Scurry
Certificate 905391

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on September 13, 2022. On November 3, 2021, the South Carolina Department of Education (SCDE) sent Karen W. Scurry a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. Ms. Scurry contacted the SCDE to discuss procedures but did not request a hearing. On August 5, 2022, Ms. Scurry stated she desired for the matter to proceed as a default. Ms. Scurry has been given fair notice of constitutional due process and declined to request a hearing and is now in default.

After considering the evidence presented, the State Board voted to suspend Ms. Scurry's educator certificate for a period of one year, commencing September 13, 2022, and ending on September 12, 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. Scurry for breach of contract. The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2020) and S.C. Code Ann. § 59-25-530 (2020).

On May 7, 2021, Ms. Scurry signed a contractual agreement with the District to serve as a teacher for 2021-22 school year. On August 5, 2021, Ms. Scurry submitted her resignation to the District, effective August 13, 2021. Ms. Scurry stated she was accepting a new position outside of the District. On August 20, 2021, the District informed Ms. Scurry she was not released from her contract. She did not return to fulfill her contract. The District Board voted to report Ms. Scurry's breach of contract to the SCDE on August 19, 2021. The District reported the matter to the SCDE on October 27, 2021.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Scurry breached her contract with the District, and that just cause exists to suspend Ms. Scurry's certificate 905391 for a period of one year, commencing on September 13, 2022, and ending on September 12, 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) (2020). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2021), 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 (2020). "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. Scurry 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 Karen W. Scurry for a period of one year, commencing on September 13, 2022, and ending on September 12, 2023.

If Ms. Scurry 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. Scurry shall also pay the applicable reinstatement fee. The suspension of Karen Williford Scurry's educator certificate 905391 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of

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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

September 13, 2022