

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Allison Mckenzie Evans
Certificate 293484

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on January 17, 2023. On November 30, 2022, the South Carolina Department of Education (SCDE) sent Allison Mckenzie Evans 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. Evans' address and the letter sent via regular mail has not been returned. On December 20, 2022, the SCDE informed Ms. Evans via regular mail that the State Board would meet on January 17, 2023, to consider action against her educator certification. Under the South Carolina Rules of Civil Procedure 5(b), Ms. Evans has been given fair notice of constitutional due process. Ms. Evans 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. Evans' educator certificate for a period of one year, commencing January 17, 2023, and ending on January 16, 2024.

FINDINGS OF FACT

This case concerns a formal complaint of Spartanburg County School District Five (District) seeking the suspension of the educator certificate of Ms. Evans 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 June 12, 2022, Ms. Evans signed a contractual agreement with the District to serve as a teacher for the 2022-23 school year. On October 19, 2022, Ms. Evans submitted her resignation to the District, effective October 21, 2022. Ms. Evans stated she was resigning for personal health reasons. On October 19, 2022, the District informed Ms. Evans she would not be released from her contract until a suitable replacement can be

secured. She did not return to fulfil her contract with the District. The District Board voted to report Ms. Evans's breach of contract to the SCDE on November 21, 2022. The District reported the matter to the SCDE on November 22, 2022.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Evans breached her contract with the District, and that just cause exists to suspend Ms. Evans' certificate 293484 for a period of one year, commencing on January 17, 2023, and ending on January 16, 2024.

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 has 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. Evans 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 Allison Mckenzie Evans for a period of one year, commencing on January 17, 2023, and ending on January 16, 2024.

If Ms. Evans 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

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reinstatement. Ms. Evans shall also pay the applicable reinstatement fee. The suspension of Ms. Evans' educator certificate 293484 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/Crystal F. Stapleton, Ed.D.
Crystal F. Stapleton, Chair

Columbia, South Carolina
January 17, 2023