

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Kenia Cusido Perez
Certificate 262723

ORDER OF SUSPENSION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on January 17, 2023. On August 15, 2022, the South Carolina Department of Education (SCDE) sent a notice via regular and certified mail, return receipt requested, to Kenya Cusido Perez concerning the pending action against educator certificate 262723. Ms. Perez thereafter timely requested a hearing which was held on November 18, 2022. This matter is properly before the State Board pursuant to S.C Code Ann. § 59-25-150 (2017) and referred to a hearing officer pursuant to S.C. Code Ann. 59-5-70 (2004).

After considering the evidence, testimony, and the report and recommendations presented, the State Board voted to suspend the certificate of Ms. Perez, certificate 262723, for a period of one year, commencing on January 17, 2023, and ending on January 16, 2024.

FINDINGS OF FACT

This case concerns a formal complaint of Greenville County School District (District) seeking the suspension of the educator certificate of Ms. Perez 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 2, 2022, Ms. Perez signed a contractual agreement with the District to serve as a special education teacher for the 2022-23 school year. On June 8, 2022, Ms. Perez submitted her resignation to the District, effective June 30, 2022. She did not provide a reason for the resignation. Ms. Perez was notified she would not be released from her contract until a satisfactory replacement was obtained. She did not return to fulfill her contract at the start of the school year, but did apply as an external candidate to serve as a substitute for the District.

The District Board voted to report Ms. Perez's breach of contract to the SCDE on August 9, 2022. On August 10, 2022, the District reported the matter to the SCDE.

Ms. Perez was notified of the pending action against her educator certificate and timely requested a hearing. Communication between Ms. Perez and the SCDE demonstrated Ms. Perez was aware of the scheduled hearing. Ms. Perez chose not to attend the hearing or request a continuance. After reviewing the evidence submitted by the District, the Hearing Officer recommended a one year suspension of Ms. Perez's educator certification.

After considering the evidence presented, the State Board finds just cause for the suspension of Ms. Perez's educator certificate 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) (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. Perez 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 Kenya Cusido Perez for a period of one year, commencing on January 17, 2023, and ending on January 16, 2024.

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AND IT IS SO ORDERED.

South Carolina Board of Education

s/Crystal F. Stapleton, Ed.D.
Crystal F. Stapleton, Chair

Columbia, South Carolina
January 17, 2023