

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Kenyetta N. Mitchell
Certificate 227129

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 11, 2023. On January 31, 2023, and March 9, 2023, the South Carolina Department of Education (SCDE) sent Kenyetta N. Mitchell 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. Mitchell's address and the letter sent via regular mail has not been returned. On March 20, 2023, the SCDE received correspondence from Ms. Mitchell waiving her right to a hearing. Under the South Carolina Rules of Civil Procedure 5(b), Ms. Mitchell has been given fair notice of constitutional due process. She is now in default.

After considering the evidence presented, the State Board voted to suspend Ms. Mitchell's educator certificate for a period of one year, commencing April 11, 2023, and ending on April 10, 2024.

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. Mitchell 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 April 29, 2022, Ms. Mitchell signed a contractual agreement with the District to serve as a teacher for the 2022-23 school year. On October 17, 2022, Ms. Mitchell submitted her resignation to the District. In her resignation, Ms. Mitchell stated she was leaving due to health issues and family concerns. On November 18, 2022, the District informed Ms. Mitchell she was not released from her contract and that the District Board

voted to report her breach of contract to the SCDE on November 17, 2022. The District reported the matter to the SCDE on January 24, 2023.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Mitchell breached her contract with the District, and that just cause exists to suspend Ms. Mitchell's certificate 227129 for a period of one year, commencing on April 11, 2023, and ending on April 10, 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. Mitchell 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 Kenyetta N. Mitchell for a period of one year, commencing on April 11, 2023, and ending on April 10, 2024.

If Ms. Mitchell 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. Mitchell shall also pay the applicable reinstatement fee. The

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suspension of Ms. Mitchell's educator certificate 227129 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, Ed.D., Chair

Columbia, South Carolina

April 11, 2023