BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Disciplinary Action of the Educator Certificate of Tiffany Marie Stewart Certificate 270829	**ORDER OF SUSPENSION** **(BREACH OF CONTRACT)**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 14, 2023. On September 6, 2022, and November 22, 2022, the South Carolina Department of Education (SCDE) sent Tiffany Marie Stewart a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. Ms. Stewart received the notice on November 29, 2022, as evidenced 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. Stewart's educator certificate for a period of one year, commencing on February 14, 2023, and ending on February 13, 2024.

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. Stewart 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 3, 2022, Ms. Stewart signed a contractual agreement with the District to serve as a program specialist for the 2022-23 school year. On July 24, 2022, Ms. Stewart submitted her resignation to the District, effective immediately. Ms. Stewart cited a District-directed change in the role of program specialists as the reason for her resignation. On July 25, 2022, the District informed Ms. Stewart she would not be considered for release from her contract until a suitable candidate to fill her position was found. The District Board voted to report Ms. Stewart'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. Stewart breached her contract with the District, and that just cause exists to suspend Ms. Stewart's certificate 270829 for a period of one year, commencing on February 14, 2023, and ending on February 13, 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. Stewart 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 Tiffany Marie Stewart for a period of one year, commencing on February 14, 2023, and ending on February 13, 2024.

If Ms. Stewart 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. Stewart shall also pay the applicable reinstatement fee. The suspension of Ms. Stewart's educator certificate 270829 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

_____
Crystal F. Stapleton, Chair

Columbia, South Carolina
February 14, 2023