

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Zachary Shane Hutto
Certificate 292412

ORDER OF SUSPENSION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on June 13, 2023. On September 6, 2022, the South Carolina Department of Education (SCDE) sent a notice via regular and certified mail, return receipt requested, to Zachary Shane Hutto concerning the pending action against educator certificate 292412. Mr. Hutto thereafter timely requested a hearing, which was held on January 26, 2023. 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 Mr. Hutto, certificate 292412, for a period of one year, commencing on June 13, 2023, and ending on June 12, 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 Mr. Hutto 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 9, 2022, Mr. Hutto signed a contractual agreement with the District to serve as a teacher for the 2022-23 school year. On July 21, 2022, Mr. Hutto submitted his resignation to the District, effective immediately. In the resignation, Mr. Hutto stated he was relocating. Mr. Hutto was notified he would not be considered for release from his contract until a suitable replacement was found. On July 27, 2022, Mr. Hutto stated he would not be returning for the 2022-23 school year and had accepted employment elsewhere. The District informed him the

resignation would be considered a breach of contract. The Hearing Officer found Mr. Hutto did breach his contract. Further, the Hearing Officer found no legitimate mitigating circumstances for the breach.

After considering the evidence presented, the State Board finds just cause for the suspension of Mr. Hutto's educator certificate for a period of one year, commencing on June 13, 2023 and ending on June 12, 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 (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 Mr. Hutto breached his 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 Zachary Shane Hutto for a period of one year, commencing on June 13, 2023, and ending on June 12, 2024.

AND IT IS SO ORDERED.

South Carolina Board of Education

s/Crystal F. Stapleton, Ed.D.

Crystal F. Stapleton, Ed.D., Chair

Columbia, South Carolina

June 13, 2023