

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Diem Elizabeth Dinh
Certificate 303313

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on December 2, 2025. On February 3, 2025, the South Carolina Department of Education (SCDE) sent Diem Elizabeth Dinh 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 Diem Elizabeth Dinh's address and the letter sent via regular mail has not been returned. On October 13, 2025, the SCDE informed Ms. Dinh via regular mail that the State Board would meet on November 4, 2025, or as soon thereafter as is feasible, to consider action against her educator certificate. Under the South Carolina Rules of Civil Procedure 5(b), Ms. Dinh has been given fair notice of constitutional due process. Ms. Dinh 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 Diem Elizabeth Dinh's educator certificate for a period of six months, commencing December 20, 2024, and ending on June 19, 2025.

FINDINGS OF FACT

Ms. Dinh holds a South Carolina educator certificate. She has over three years of educator experience and has no prior record of disciplinary action with the State Board. At the time, Ms. Dinh was employed by the Rock Hill School District Three as a teacher at Old Pointe Elementary School.

On May 10, 2024, Diem Elizabeth Dinh signed a contractual agreement with the District to serve as a teacher for the 2024-25 school year. On December 10, 2024, Ms. Dinh submitted her resignation to the District, effective December 20, 2024, citing a car

accident and job dissatisfaction. On December 18, 2024, the District informed Diem Elizabeth Dinh she would not be released from her contract until a qualified replacement can be found. She did not return to fulfill her contract. The District Board voted to report Ms. Dinh's breach of contract to the SCDE on January 14, 2025. The District reported the matter to the SCDE on January 29, 2025.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Diem Elizabeth Dinh breached her contract with the District, and that just cause exists to suspend Ms. Dinh's certificate 303313 for a period of six months, commencing on December 20, 2024, and ending on June 19, 2025.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150. Just cause includes "breach of contract." S.C. Code Ann. § 59-25-160 (13) (2025). 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 educator who fails to comply with the provisions of his contract without the written consent of the school board is considered to be in breach of contract." S. C. Code Ann. § 59-25-530 (2025). "Upon formal complaint of the school board, substantiated by conclusive evidence, the state board shall suspend or revoke the teacher's certificate." *Id.* The period of suspension for breach of contract, "must begin on the date such contract is breached with the district and run for a period of time deemed appropriate by the State Board of Education, not to exceed six months from the date of breach." *Id.* An educator may not be signed to an employment contract by any South Carolina public school during the term of suspension. *Id.*

The State Board finds that the evidence presented demonstrates that Diem Elizabeth Dinh 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 Diem Elizabeth Dinh for a period of six months, commencing on December 20, 2024, and ending on June 19, 2025.

If Ms. Dinh 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. Dinh shall also pay the applicable reinstatement fee. The suspension of Diem Elizabeth Dinh's educator certificate 303313 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 "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/Rita Allison
Rita Allison, Chair

Columbia, South Carolina
December 2, 2025