

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Judy F. Cox,	)	(BREACH OF CONTRACT)
	)	
<u>Certificate 178462</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 9, 2019. On March 21, 2019, the South Carolina Department of Education (SCDE) served Judy F. Cox a notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. After receiving the notice, Ms. Cox contacted the SCDE's Office of General Counsel and indicated she did not wish to participate in a breach of contract matter. Ms. Cox stipulated she would not oppose the SCDE's pursuit of a default judgment in the matter. After considering the evidence presented, the State Board voted to suspend Ms. Cox's educator certificate for a period of one year, commencing on April 9, 2019, and ending on April 7, 2020.

FINDINGS OF FACT

This case concerns a formal complaint by Florence School District Two (District) recommending the suspension of the educator certificate of Judy F. Cox 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).

Ms. Cox holds a South Carolina educator certificate and has over eighteen years of teaching experience. On April 4, 2018, Ms. Cox signed a Contractual Agreement with the District to serve as a special education teacher at Hannah-Pamplico Elementary/Middle School for the 2018-2019 school year. Ms. Cox submitted a letter of resignation, effective immediately on February 19, 2019. On March 4, 2019, the District Superintendent informed Ms. Cox that, as a certified employee, she could only be released from her contract prior to the end of the school year upon approval of the District Board of Trustees. The District Superintendent told Ms. Cox that, because she had not reported to work since February 19, 2019, she had abandoned her employment with the District and was in breach of her employment contract.

On February 25, 2019, the District Board of Trustees found that Ms. Cox failed to comply with the provisions of her contract and that her behavior constituted a breach of her employment contract with the District. The District voted to report Ms. Cox's breach of contract to SCDE and the State Board. On March 19, 2019, the District reported this matter to SCDE, requesting that the State Board suspend Ms. Cox's educator certificate.

CONCLUSIONS OF LAW

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2018). Just cause includes, *inter alia*, "willful violation of the rules and regulations of the State Board of Education", and "unprofessional conduct" S.C. Code Ann. § 59-25-160 (3) and (4) (2018). Pursuant to S.C. Code Regs. 43-58 and (14) (2011), the State Board of Education has the legal authority, *inter alia*, to suspend a certificate for "failure to comply with the provisions of a contract without the written consent of the local school board." The State Board finds that the evidence presented demonstrates that Ms. Cox breached her contract and engaged in unprofessional conduct, willfully neglected her duty, and failed to comply with the provisions of her contract without the written consent of the District.

With respect to breach of contract, "any teacher who fails to comply with the provisions of his [of her] contract without written consent of the school board shall be deemed guilty of unprofessional conduct." S.C. Code Ann. § 59-25-530 (2017). "Upon the 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 evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Judy F. Cox, certificate 178462, for a period of one year, commencing on April 9, 2019, and ending on April 7, 2020. If Ms. Cox 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. Cox shall also pay the applicable reinstatement fee. The suspension of Ms. Cox's educator certificate 178462 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, and failure to comply with the provisions of a contract without the written consent of the local school board."

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AND IT IS SO ORDERED.

South Carolina State Board of Education

By: s/Del-Gratia Jones
Del-Gratia Jones, Chair

Columbia, South Carolina
April 9, 2019