

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of	)	
	)	ORDER OF SUSPENSION
Janelle Marquia Hampton	)	
	)	(BREACH OF CONTRACT)
Educator Certificate #283311	)	
_____	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 12, 2019. The South Carolina Department of Education (SCDE) notified Janelle Marquia Hampton of her right to a hearing regarding the possible suspension of her South Carolina Educator Certificate by letter dated September 18, 2018, via certified and regular U.S. Mail. Ms. Hampton timely requested a hearing. On January 15, 2019, a hearing was held concerning Ms. Hampton's alleged breach of contract with Rock Hill School District Three (District).

After considering the evidence presented, the State Board hereby voted to suspend Ms. Hampton's educator certificate for a period of 30 calendar days, commencing on March 12, 2019, and ending on April 11, 2019.

FINDINGS OF FACT

This case concerns a formal complaint by the District seeking the suspension of Ms. Hampton's educator certificate for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2004) and S.C. Code Ann § 59-25-530 (2004).

Ms. Hampton holds a valid South Carolina educator certificate and was employed by the District as a social studies teacher at Castle Heights Middle School (School). She signed a contract with the District for the 2018-2019 school year on May 6, 2018. However, on July 25, 2018, Ms. Hampton received a contract offer for a teaching and leadership position at York Preparatory Academy (York). The offer from York included a \$6000 transfer bonus and a leadership stipend of \$2400. Ms. Hampton submitted her resignation to the District on July 30, 2018.

On August 7, 2018, Ms. Hampton received a letter from the District notifying her she would not be released from her contract until a suitable replacement could be found. Ms. Hampton did report to the District on August 9th and 10th to lead professional development

meetings. Ms. Hampton did not report to work at the District during the next in-service day, August 13, 2019, or any day thereafter.

On September 10, 2018, Ms. Hampton received a letter stating that the District would be making a formal complaint to the SCDE based on her breach of contract. In order to fill Ms. Hampton's position, a teacher was initially transferred from another school in the District. That teacher's class was led by a substitute until another teacher could be secured. On January 4, 2019, the District was able to hire a teacher with the proper certification to officially replace the vacancy cause by Ms. Hampton's breach of contract.

The hearing officer's recommendation on this matter considers several mitigating factors for Ms. Hampton's breach of contract. Ms. Hampton stated that, though the policy is online and referenced in the School's handbook, she was not aware she putting her certificate at risk by resigning. The District's letter to Ms. Hampton did not address the consequences of failing to honor her contract. Further, District policy suggests the District will agree to release an educator if they have received a promotion. Ms. Hampton's new position could reasonably be considered a promotion. The hearing officer also felt that Ms. Hampton should not be held accountable for the full time it takes to find a replacement teacher.

After considering the evidence presented at the January 15, 2019, hearing and the Hearing Officer's Report and Recommendation, the State Board finds that the evidence presented demonstrates that Ms. Hampton breached her contract with the District. Accordingly, the Board finds that just cause exists to suspend Ms. Hampton's educator certificate for a period of 30 calendar days, commencing on March 12, 2019, and ending on April 11, 2019.

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 (2004). Just cause includes, *inter alia*, "unprofessional conduct". S.C. Code Ann. § 59-25-160 (4) (2004).

S. C. Code Ann. §59-25-530 (2004) provides that a teacher who fails to comply with the provisions of his or her contract without the written consent of the school board is deemed guilty of unprofessional conduct and subject to suspension of the educator certificate for up to one calendar year.

The State Board finds that the evidence presented demonstrates that Ms. Hampton engaged in unprofessional conduct by failing to comply with the provisions of her contract without the written consent of the District. Accordingly, the evidence presented supports the State Board's determination that just cause exists to suspend the educator certificate of Janelle Marquia Hampton, Educator Certificate #283311, for a period of 30 calendar days, commencing on March 12, 2019, and ending on April 11, 2019.

If Ms. Hampton 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 Certification, Recruitment, and Preparation, and shall meet all certification requirements in effect at the time she requests reinstatement. Ms. Hampton shall also pay all applicable reinstatement fees. The suspension of Ms. Hampton's educator certificate 283311 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty (30) days from the date of this order with the reason stated as "unprofessional conduct for breach of contract 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

By: 
Del-Gratia Jones, Chair

Columbia, South Carolina
March 12, 2019