

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of	)	
	)	ORDER OF SUSPENSION
Miranda Elizabeth Madigan	)	
	)	(BREACH OF CONTRACT)
Educator Certificate 274298	)	
_____	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 11, 2019. On April 24, 2019, the South Carolina Department of Education (SCDE) served Miranda Elizabeth Madigan 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. Ms. Madigan received the notice, as evidenced by a signed postal receipt. She has not requested a hearing and is now in default.

After considering the evidence presented, the State Board voted to suspend Ms. Madigan's educator certificate for a period of one year, commencing on June 11, 2019, and ending on June 9, 2020.

FINDINGS OF FACT

This case concerns a formal complaint by Rock Hill School District Three (District) recommending the suspension of the educator certificate of Miranda Elizabeth Madigan 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, 2018, Ms. Madigan signed a Contractual Agreement with the District to serve as a teacher for the 2018-19 school year. On December 12, 2018, Ms. Madigan submitted her resignation to the District, effective December 21, 2018. Ms. Madigan stated she was leaving the District to accept another position outside of the public school system. The District informed Ms. Madigan her resignation would not be accepted until and unless a suitable replacement was found. Ms. Madigan did not report to work on January 4, 2019. On January 14, 2019, the District Board voted to report Ms. Madigan to the SCDE for breach of contract.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Madigan breached her contract with the District, and that just cause exists

to suspend Ms. Madigan's certificate 285888 for a period of one year, commencing on April 9, 2019, and ending on April 8, 2020.

CONCLUSIONS OF LAW

"The State 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) (2018). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (Supp. 2011), the State Board of Education has the legal authority to suspend a certificate for "failure to comply with the provisions 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 [of 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 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 State Board finds that the evidence presented demonstrates that Ms. Madigan 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 Miranda Elizabeth Madigan for a period of one year, commencing on June 11, 2019, and ending on June 9, 2020.

If Ms. Madigan 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 he requests reinstatement. Ms. Madigan shall also pay the applicable reinstatement fee. The suspension of Ms. Madigan's educator certificate 274298 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.

(signature page attached)

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South Carolina State Board of Education

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

Columbia, South Carolina
June 11, 2019