

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of	)	
	)	ORDER OF SUSPENSION
Joseph Hancock Herlong	)	
	)	(BREACH OF CONTRACT)
Educator Certificate 233049	)	
_____	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 12, 2019. On February 4, 2019, the South Carolina Department of Education (SCDE) notified Joseph Hancock Herlong, via regular and certified mail, of his right to a hearing regarding the possible suspension of his South Carolina educator certificate regarding his alleged breach of contract with Spartanburg School District Five (District). Mr. Herlong received the certified mail. Mr. Herlong has not contacted the SCDE and is now in default.

After considering the evidence presented, the State Board voted to suspend Mr. Herlong's educator certificate for a period of one year, commencing on March 12, 2019, and ending on March 11, 2020.

FINDINGS OF FACT

This case concerns a formal complaint by the District, seeking the suspension of the educator certificate of Joseph Hancock Herlong for breach of contract. The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2017) and S.C. Code Ann. § 59-25-530 (2017).

On April 11, 2018, Mr. Herlong signed a contract with the District for the 2018-2019 school year, agreeing to serve as a Career and Technology Education (CTE) teacher at Byrnes High School (School). Mr. Herlong submitted a letter of resignation on December 21, 2018, effective immediately. On January 29, 2019, the District informed Mr. Herlong that his resignation constituted a breach of contract and that the issue would be reported to the SCDE based on the approval of the Board members on January 28, 2019. On January 30, 2019, the District reported the breach of contract matter to the SCDE.

After considering the evidence presented, the State Board voted to suspend Mr. Herlong's educator certificate for a period of one year, commencing on March 12, 2019, and ending on March 11, 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) (2017). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (Supp. 2017), the State Board of Education has the legal authority, *inter alia*, to suspend a certificate for “willful neglect of duty” and “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 (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 State Board finds that the evidence presented demonstrates that Mr. Herlong breached his contract and engaged in unprofessional conduct, and failed to comply with the provisions of his contract. The evidence presented further supports the State Board’s determination that just cause exists to suspend the educator certificate of Joseph Hancock Herlong, certificate 233049, for a period of one year, commencing on March 12, 2019, and ending on March 11, 2020. If Mr. Herlong wishes to have his educator certificate reinstated at the end of the suspension period, he 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. Mr. Herlong shall also pay all applicable reinstatement fees.

The suspension of Mr. Herlong’s educator certificate 233049 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within 30 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:


Del-Gratia Jones, Chair

Columbia, South Carolina
March 12, 2019