

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of)
)
Janie B. Neeley)
)
Certificate 175290)
)

**CONSENT ORDER OF
SUSPENSION**

(BREACH OF CONTRACT)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on May 8, 2018. On March 30, 2018 the South Carolina Department of Education (SCDE) sent notice to Janie B Neeley, via regular mail and certified mail, restricted delivery, regarding possible disciplinary action to be taken against her educator certificate, 175290. After receiving the notice, Mrs. Neeley informed the SCDE that she desired to waive her right to a hearing and enter into a Consent Order of Suspension of her educator certificate 175290, effective May 8, 2018, and ending May 7, 2019. Mrs. Neeley regrets that her family situation necessitated her breaching her contract and has informed SCDE that she enjoys teaching and plans to return to her profession in the future.

After considering the evidence provided, the State Board has agreed to accept the Consent Order of Suspension, effective May 8, 2018.

FINDINGS OF FACT

This case concerns a formal complaint by the Greenville County School District (District) seeking the suspension of the educator certificate of Mrs. Janie B. Neeley 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).

Mrs. Neeley holds a South Carolina professional educator certificate and has over nine years of teaching experience. On May 30, 2017, Mrs. Neeley signed a continuing contract with the District for the 2017-2018 school year. On February 13, 2018, Mrs. Neeley submitted a resignation letter to the District. Mrs. Neeley noted that she was resigning due to her family experiencing many health challenges with her son and his frequent, serious illnesses that caused her to re-evaluate her current working situation. Mrs. Neeley informed the District that she had

Janie B
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found a new position that provided a more flexible working schedule and also allowed her to directly advocate for students with disabilities like her son. She stated that her last day at the District would be March 2, 2018. On February 27, 2018, the Greenville Board of Trustees voted to report Mrs. Neeley to the SCDE. On March 2, 2018, the District notified Mrs. Neeley that her resignation was in violation of Board Policy GBO and that her resignation would be reported to the SCDE as a breach of contract.

On March 28, 2018, the District reported Mrs. Neeley's breach of contract to the SCDE. After considering the evidence presented, the State Board voted to suspend Mrs. Neeley's educator certificate for a period of one year, commencing May 8, 2018, and ending May 7, 2019.

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."

The State Board finds that the evidence presented demonstrates that Mrs. Neeley breached her contract and engaged in unprofessional conduct, willfully neglected her duty, and failed to comply with the provision of her contract without the written consent of the District. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Janie B. Neeley, certificate 175290, for a period of one year, commencing May 8, 2018, and ending May 7, 2019.

If Mrs. Neeley 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. Mrs. Neeley shall also pay all applicable reinstatement fees. The suspension of Mrs. Neeley's educator certificate 175290 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within 30 days from the date of this order.

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Janie B. Neeley, Certificate # 175290
Consent Order of Suspension
May 8, 2018
Page 3

AND IT IS SO ORDERED.

South Carolina State Board of Education

Sharon Wall
By: Sharon Wall Ed.D, Board Chair

Columbia, South Carolina
May 8, 2018

I, Janie B. Neeley, Certificate #175290, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator certificate holders and that I have waived my right to a hearing in this matter. I agree that during the period of suspension, I will not seek employment or be employed as an educator, paraprofessional, aide, substitute teacher, coach or in any other paid position in a public school in the State of South Carolina. I understand the terms set forth in this Consent Order of Suspension are not subject to reconsideration, collateral attack or judicial review. I agree to the terms of this Consent Order of Suspension, consisting of three pages, and understand that this Order will be presented to the State Board for approval on May 8, 2018.

Janie B. Neeley
Janie B. Neeley

4/7/18
Date