

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Jonathan Aaron Childress
Certificate 270988

**ORDER OF SUSPENSION
(BREACH OF CONTRACT)**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 9, 2021. On October 29, 2020 and on January 4, 2021, the South Carolina Department of Education (SCDE) sent Jonathan Aaron Childress notices via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate. The SCDE has verified Mr. Childress' address and the letters sent via regular mail have not been returned. On January 28, 2021, the SCDE informed Mr. Childress via regular mail that the State Board would meet on March 9, 2021, to consider action against his educator certification. Under the South Carolina Rules of Civil Procedure 5(b), Mr. Childress has been given fair notice of constitutional due process. Mr. Childress has not contacted the SCDE to request a hearing and is now in default.

After considering the evidence presented, the State Board voted to suspend Jonathan Aaron Childress' educator certificate for a period of one year, commencing March 9, 2021, and ending on March 8, 2022.

FINDINGS OF FACT

This case concerns a formal complaint of the Greenville County School District (District) seeking the suspension of the educator certificate of Jonathan Aaron Childress 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 April 30, 2020, Mr. Childress signed a contractual agreement with the District to serve as a teacher for 2020-2021 school year. Mr. Childress taught math in the virtual program. On October 7, 2020, Mr. Childress submitted his resignation to the District, effective October 22, 2020. On October 14, 2020, the District informed Mr. Childress he would not be released from contract until a replacement was found. Mr. Childress did not

return after October 22, 2020. The District Board voted to report Mr. Childress' breach of contract to the SCDE on October 28, 2020. The District reported the matter to the SCDE on October 29, 2020.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Mr. Childress breached his contract with the District, and that just cause exists to suspend Jonathan Aaron Childress' certificate 270988 for a period of one year, commencing on March 9, 2021, and ending on March 8, 2022.

CONCLUSIONS OF LAW

"The South Carolina 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) (2018), the State Board of Education had the legal authority to suspend a certificate for "failure to comply with the provision 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 [or 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 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 Jonathan Aaron Childress breached his 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 Mr. Childress for a period of one year, commencing on March 9, 2021, and ending on March 8, 2022.

If Mr. Childress 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

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reinstatement. Mr. Childress shall also pay the applicable reinstatement fee. The suspension of Jonathan Aaron Childress' educator certificate 270988 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.

South Carolina State Board of Education

s/Kristi Woodall

Kristi Woodall, Ed.D., Chair

Columbia, South Carolina

March 9, 2021