

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Jennifer C. Erickson Richards
Certificate 262243

CONSENT ORDER OF SUSPENSION

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on November 16, 2021. On December 15, 2020, the South Carolina Department of Education (SCDE) sent Jennifer C. Erickson Richards a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate based on her breach of contract. Ms. Richards timely requested a hearing in the matter. Prior to the hearing, Ms. Richards contacted the SCDE to discuss an alternate resolution. Ms. Richards has agreed to waive her right to a hearing and enter into this Consent Order of Suspension.

After considering the evidence presented, the State Board voted to suspend Ms. Richards' educator certificate for a period of one year, commencing November 16, 2021, and ending November 15, 2022.

FINDINGS OF FACT

This case concerns a formal complaint from the School seeking the suspension of the educator certificate of Ms. Richards 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 23, 2020, Ms. Richards signed a contractual agreement with the School to serve as a teacher for the 2020-21 school year. Ms. Richards submitted her resignation on October 16, 2020, effective October 30, 2020, citing "Due to the level of face-to-face interaction that is required to adequately teach 4-5 year old students, I do not feel safe returning to work for health reasons due to the high risk of exposure to Covid-19 that I

Jennifer C. Erickson Richards
262243
JR
Initial
10/19/21
Date

would experience in Phase 2.” Ms. Richards informed School administration she gave two weeks’ notice of resignation in order to complete state mandated assessments. Ms. Richards also filled out the District’s Separation Request Form. The School informed Ms. Richards that she would be released from her contract once a suitable replacement was found via letter on November 6, 2020. The parties dispute that a suitable replacement was found. On December 9, 2020, the School Board of Trustees voted to report Ms. Richards’ breach of contract to the SCDE. On December 10, 2020, the District reported the matter to the SCDE.

After being notified of the pending action against her educator certificate, Ms. Richards contacted the SCDE to discuss an alternate resolution. Ms. Richards has agreed to the suspension of her educator certificate for a period of one year, beginning November 1, 2021, and ending November 1, 2022. As the aggrieved party from the breach of contract, the School participated in negotiations for an alternative resolution and agreed with the terms of this Consent Order of Suspension.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Richards breached her contract with the District, and that just cause exists to suspend Ms. Richards’ certificate 262243 for a period of one year, commencing on November 16, 2021, and ending November 15, 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

Jennifer C. Erickson Richards
262243

JR
Initial
10/19/21
Date

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.”

The State Board finds that the evidence presented demonstrates that Ms. Richards breached her contract without the consent and/or approval of the School. Accordingly, the evidence presented supports the State Board’s determination that just cause exists to suspend the educator certificate of Jennifer C. Erickson Richards for a period of one year, commencing on November 16, 2021, and ending November 15, 2022. If Ms. Richards 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. Ms. Richards shall also pay the applicable reinstatement fee. The suspension of Ms. Richards’ educator certificate 262243 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 V. Woodall, Ed.D., Chair

Columbia, South Carolina
November 16, 2021

Jennifer C. Erickson Richards
262243

JR
Initial
10/19/21
Date

Consent Order of Suspension

Jennifer C. Erickson Richards, Certificate 262243

November 16, 2021

Page 3 of 4

I, Jennifer C. Erickson Richards, S.C. Educator Certificate 262243, 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 understand that the terms set forth in this Consent Order of Suspension are not subject to reconsideration, collateral attack or judicial review. I have read the Consent Order of Suspension, consisting of four pages, and I freely and voluntarily agree to the terms set forth therein. I understand that this Order will be presented to the South Carolina State Board of Education for approval on Tuesday, November 16, 2021. I understand this Consent Order will not become effective until approved by the State Board and, if not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the State Board to adjudicate this matter. If approved by the State Board, I give the SCDE permission to use my electronic signature in the style of “/s/ name” for required website publication.

/s/ Jennifer Richards
Jennifer C. Erickson Richards

10/19/21
Date