

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Shaniqua J'nay Johnson
Certificate 269343

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on November 16, 2021. On August 26, 2021, the South Carolina Department of Education (SCDE) sent Ms. Johnson a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. The SCDE has verified Ms. Johnson's address and the letters have not been returned. On September 22, 2021, the SCDE informed Ms. Johnson via regular mail that the State Board would meet on November 9, 2021, or as soon thereafter as is feasible, to consider action against her educator certification. Under the South Carolina Rules of Civil Procedure 5(b), Ms. Johnson has been given fair notice of constitutional due process. Ms. Johnson 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 Ms. Johnson's educator certificate for a period of one year, commencing November 16, 2021, and ending on November 15, 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 Shaniqua J'nay Johnson 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 4, 2021, Ms. Johnson signed a contractual agreement with the District to serve as a teacher for the 2021-22 school year. On August 2, 2021, Ms. Johnson submitted her resignation to the District, effective immediately. That day, the District informed Ms. Johnson she was not released from her contract. The District Board voted to report Ms.

Johnson's breach of contract to the SCDE on August 24, 2021. The District reported the matter to the SCDE on August 25, 2021.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Shaniqua J'nay Johnson breached her contract with the District, and that just cause exists to suspend Ms. Johnson's certificate 269343 for a period of one year, commencing on November 16, 2021, and ending on November 15, 2021.

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 Ms. Johnson 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 Shaniqua J'nay Johnson for a period of one year, commencing on November 16, 2021, and ending on November 15, 2022.

If Ms. Johnson 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. Johnson shall also pay the applicable reinstatement fee. The

Shaniqua J'nay Johnson, CERTIFICATE 269343
ORDER OF SUSPENSION
November 16, 2021
Page 3 of 3

suspension of Ms. Johnson's educator certificate 269343 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
November 16, 2021