

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Jennifer Brown
Certificate 307100

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on October 11, 2022. On December 7, 2021, the South Carolina Department of Education (SCDE) sent Jennifer Brown a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. Ms. Brown received the notice on December 13, 2021, as evidenced by signed postal receipt. On June 29, 2022, the SCDE notified Ms. Brown this matter would be presented to the State Board on August 9, 2022, or as soon thereafter as is feasible. Ms. Brown has been given fair notice of constitutional due process. She 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. Brown's educator certificate for a period of one year, commencing on October 11, 2022, and ending on October 10, 2023.

FINDINGS OF FACT

This case concerns a formal complaint of Anderson School District Five (District) seeking the suspension of the educator certificate of Ms. Brown for breach of contract. The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2020) and S.C. Code Ann. § 59-25-530 (2020).

On April 27, 2021, Ms. Brown signed a contractual agreement with the District to serve as a teacher for the 2021-22 school year. On October 14, 2021, Ms. Brown submitted her resignation to the District, effective October 29, 2021. She did not provide a reason for her resignation. On October 20, 2021, the District informed Ms. Brown she was not released from her contract. She did not return to fulfill her contract. The District

Board voted to report Ms. Brown's breach of contract to the SCDE on November 16, 2021. The District reported the matter to the SCDE on December 1, 2021.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Brown breached her contract with the District, and that just cause exists to suspend Ms. Brown's certificate 307100 for a period of one year, commencing on October 11, 2022, and ending on October 10, 2023.

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) (2020). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2021), 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 (2020). "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 Jennifer Brown 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 Jennifer Brown, certificate 307100, for a period of one year, commencing on October 11, 2022, and ending on October 10, 2023.

If Ms. Brown 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. Brown shall also pay the applicable reinstatement fee. The suspension

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of Ms. Brown's educator certificate 307100 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/Alan Walters
Alan Walters, Chair

Columbia, South Carolina
October 11, 2022