

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Lawanda B. Jackson
Certificate 193931

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

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on August 13, 2024. On November 16, 2023, the South Carolina Department of Education (SCDE) sent a notice via regular and certified mail, return receipt requested, to Lawanda B. Jackson concerning the pending action against educator certificate 193931. Ms. Jackson thereafter timely requested a hearing which was held on May 23, 2024. This matter is properly before the State Board pursuant to S.C Code Ann. § 59-25-150 (2020) and referred to a hearing officer pursuant to S.C. Code Ann. 59-5-70 (2020).

After considering the evidence, testimony, and the report and recommendations presented, the State Board voted to suspend the certificate of Ms. Jackson's certificate 193931, for a period of six months, commencing on August 13, 2024, and ending on February 12, 2025.

FINDINGS OF FACT

This case concerns a formal complaint from the Barnwell County Consolidated School District (District) seeking the suspension of the educator certificate of Ms. Jackson 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 May 9, 2023, Ms. Jackson signed an employment contract with the District for the 2023-2024 school year. The contract stated her tentative assignment was to serve as a reading coach. In September 2023, as a result of other resignations, Ms. Jackson was reassigned to teach a 3rd grade class. The District created a job posting for the teaching position and offered Ms.

Jackson a stipend for the time spent serving in the teaching position. However, Ms. Jackson met with administration to voice concerns about continuing in the teaching position.

On October 9, 2023, Ms. Jackson submitted her request to be released from her contract. Ms. Jackson was notified she would not be released from her contract until a suitable replacement was found. She did not return to fulfill her contract, causing administration to take on more duties to teach the 3rd grade class with the assistance of temporary substitutes. The District Board voted to report Ms. Jackson's breach of contract to the SCDE on October 23, 2023. On October 31, 2023, the District reported the matter to the SCDE.

Ms. Jackson was notified of the pending action and requested a hearing in this matter. The Hearing Officer found that the District met the burden of proof to show Ms. Jackson did breach her contract with the District. After considering the evidence presented, the State Board finds just cause for the suspension of Ms. Jackson's educator certificate for a period of six months, commencing on August 13, 2024 and ending on February 12, 2025.

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 has 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 Ms. Jackson 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 Lawanda B. Jackson for a period of six months, commencing on August 13, 2024, and ending on February 12, 2025.

If Ms. Jackson 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. Jackson shall also pay the applicable reinstatement fee. The suspension of Ms. Jackson's educator certificate 193931 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 Board of Education

s/David C. O'Shields
David C. O'Shields, Chair

Columbia, South Carolina
August 13, 2024