

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Tracey Dyan Johnston
Certificate 277079

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

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on February 13, 2024. On October 5, 2022, the South Carolina Department of Education (SCDE) sent a notice via regular and certified mail, return receipt requested, to Tracey Dyan Johnston concerning the pending action against educator certificate 277079. Ms. Johnston thereafter timely requested a hearing, which was held on December 8, 2023. 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. Johnston's, certificate 277079, for a period of six months, commencing on May 27, 2024, and ending on November 26, 2024.

FINDINGS OF FACT

This case concerns a formal complaint from Greenville County School District (District) seeking the suspension of the educator certificate of Ms. Johnston 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).

Ms. Johnston served a literacy coach for the District during the 2021-2022 school year. On March 31, 2022, she was informed her position at her assigned school would be changed to that of a reading interventionist for the 2022-23 school year. Ms. Johnston objected to the change of position and continued talks with the District to change schools to remain a literacy coach. These discussions became entangled with other job titles and posting vacancies. Despite the ongoing talks, Ms. Johnston did agree to and sign a contract for the 2022-23 school year. The contract included a tentative assignment of reading interventionist at her current school. Ms.

Johnston kept looking for other posted literacy coaches within the District but did not find one. She submitted her resignation to the District on August 5, 2022.

The Hearing Officer found sufficient evidence to show that Ms. Johnston breached her contract with the District. However, Ms. Johnston demonstrated mitigating factors due to a lack of clear communication from the District despite Ms. Johnston's attempts to discuss the issue. The District also failed to show that the reading interventionist position Ms. Johnston abandoned was left unfilled. It was also known that Ms. Johnston continued to work in the District through a third party employer. In considering the evidence presented, the Hearing Officer recommended a six month suspension of Ms. Johnston's educator certification. Due to end of the year testing, Ms. Johnston requested the suspension begin at the end of the current school year. The District did not object to this request.

After considering the evidence presented, the State Board finds just cause for the suspension of Ms. Johnston's educator certificate for a period of six months, commencing on May 27, 2024 and ending on November 26, 2024.

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. Johnston breached her contract without the consent and/or approval of the District. Accordingly, the

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evidence presented supports the State Board's determination that just cause exists to suspend the educator certificate of Tracey Dyan Johnston for a period of six months, commencing on May 27, 2024, and ending on November 26, 2024.

AND IT IS SO ORDERED.

South Carolina Board of Education

s/David C. O'Shields

David C. O'Shields, Chair

Columbia, South Carolina

February 13, 2024