

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Emily Morgan Jones
Certificate 290520

**ORDER OF DISMISSAL
(BREACH OF CONTRACT)**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 11, 2024. On April 4, 2023, the South Carolina Department of Education (SCDE) sent Emily Morgan Jones a notice via regular and certified mail, return receipt requested, of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. Ms. Jones timely requested a hearing, which was held on April 18, 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 presented, the State Board hereby dismisses this action against Ms. Jones' educator certificate 290520.

FINDINGS OF FACT

This case concerns a formal complaint by Richland School District One (District) seeking the suspension of the educator certificate of Ms. Jones 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).

The District reported Ms. Jones to the SCDE for breach of contract. Ms. Jones was provided notice of her right to a hearing on April 4, 2023. Ms. Jones requested a hearing, and a hearing was held on April 18, 2024. Prior to the hearing, the District failed to submit a timely or compliant prehearing statement. The Hearing Officer did not find any exceptional circumstance which prevented the District from following procedures for prehearing statements and therefore did not allow them to submit evidence at the hearing. The Hearing Officer found that the District

did not meet its evidentiary burden to prove that a breach of contract occurred. The Hearing Officer recommended a dismissal of the action against Ms. Jones' certification.

After considering the evidence, the State Board finds that just cause exists to dismiss the action against Ms. Jones' educator certificate 290520.

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 supports its conclusion that just cause does not exist to suspend the professional educator certificate of Ms. Jones in this matter. Accordingly, this action against Emily Morgan Jones, educator certificate 290520, is hereby dismissed.

AND IT IS SO ORDERED.

South Carolina State Board of Education

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

Columbia, South Carolina
June 11, 2024