

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of)
)
Jennifer Ann Cloughly)
)
Certificate 242938)
_____)

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on September 11, 2013. On May 3, 2013, the South Carolina Department of Education (SCDE) sent Jennifer Ann Cloughly a notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. Ms. Cloughly received the notice and contacted the SCDE. She informed the SCDE that she was not requesting a hearing and that she was employed in a field other than teaching.

After considering the evidence presented, the State Board voted to suspend Ms. Cloughly's educator certificate for a period of one year, commencing on September 11, 2013, and ending on September 10, 2014.

FINDINGS OF FACT

The case concerns a formal complaint by the Greenville County School District (District) seeking the suspension of the educator certificate of Jennifer Ann Cloughly for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2004) and S.C. Code Ann. § 59-25-530 (2004).

Ms. Cloughly holds a valid South Carolina educator certificate and has over four years of teaching experience. The District employed Ms. Cloughly as a teacher beginning August 13,

2008. During the 2012-2013 school year, the District employed Ms. Cloughly as band director at Southside High School. Ms. Cloughly was absent from the District beginning November 1, 2012. Although the Principal and the District Leave Administrator made numerous attempts to contact Ms. Cloughly, they were unsuccessful in reaching her. Ms. Cloughly did not provide the required paperwork for her Leave of Absence.

On December 3, 2012, the Executive Director of Human Resources sent a certified letter to Ms. Cloughly. The certified letter was unclaimed and returned to the District. On December 12, 2012, the District hand delivered the letter to Ms. Cloughly. The letter informed Ms. Cloughly of the District's attempts to reach her and the District's request to obtain the documentation required for her leave of absence. The letter also informed her that failure to contact the District and provide the documentation would result in job abandonment. Ms. Cloughly never contacted the District or provided the necessary documentation after receiving the hand delivered letter.

On January 22, 2013, the Greenville County Board of Trustees approved the request to terminate Ms. Cloughly's employment with the District for job abandonment based on Ms. Cloughly's failure to provide documentation for her leave of absence and her failure to comply with the terms of her employment contract.

On May 3, 2013, the SCDE sent Ms. Cloughly a notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. Ms. Cloughly received the notice and contacted the SCDE. She informed the SCDE that she was not requesting a hearing and that she had moved out of state, she stated she was employed in a field other than teaching.

After considering the evidence presented, the State Board finds that the evidence presented demonstrates that Ms. Cloughly breached her contract with the District, and that just cause exists to suspend Ms. Cloughly's educator certificate for a period of one year, commencing on September 11, 2013, and ending on September 10, 2014.

CONCLUSIONS OF LAW

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004). 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) (2004). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (Supp. 2012), the State Board of Education has the legal authority to suspend, *inter alia*, a certificate for "willful neglect of duty" and "failure to comply with the provisions of a contract without the written consent of the local school board." The State Board finds that the evidence presented demonstrates that Ms. Cloughly breached her contract and engaged in unprofessional conduct, willfully neglected her duty, and failed to comply with the provisions of her contract without the written consent of the District. The evidence presented further supports the State board's determination that just cause exists to suspend the educator certificate of Jennifer Ann Cloughly, certificate 242938, for a period of one year, commencing on September 11, 2013, and ending on September 10, 2014. If Ms. Cloughly wishes to have her 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. Cloughly shall also be responsible for paying any applicable reinstatement fees. The suspension of Ms. Cloughly's educator certificate 242938 shall be

reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: David W. Blackmon
David W. Blackmon, Chair

Columbia, South Carolina
September 11, 2013.