

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Janay Lanette Mobley,	)	(BREACH OF CONTRACT)
	)	
Educator Certificate #275751	)	
_____	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on December 12, 2017. The South Carolina Department of Education (SCDE) notified Janay Lanette Mobley (Mobley) of her right to a hearing regarding the possible suspension of her South Carolina Educator Certificate by letter dated August 29, 2017, sent via certified and regular U.S. Mail. Mobley timely requested a hearing. On October 30, 2017, a hearing was held concerning Mobley's alleged Breach of Contract with the Fairfield County School District (District).

After considering the evidence presented, the State Board hereby voted to suspend Mobley's educator certificate for a period of one (1) day, commencing on July 5, 2018 and ending July 6, 2018.

FINDINGS OF FACT

This case concerns a formal complaint by the District seeking the suspension of the Educator Certificate of Mobley 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).

Mobley holds a valid South Carolina Educator Certificate and was employed by the District as a third grade teacher at the Fairfield County Magnet School for Math and Science. She signed a contract with the District for the 2016-2017 school year on April 8, 2016. Her contract stated that professional staff members must give thirty days written notice to the Superintendent and a suitable replacement must be found in order to be released from a contract.

On or about October 14, 2016, Mobley submitted a resignation to her principal giving two weeks notice. Her stated reason for resigning was that she had conflicting personal issues involving her youngest daughter, who is disabled. Mobley was contacted by the Director of

Human Resources for Fairfield County Schools and was informed that she would be in breach of contract if she left per her resignation. She was further advised to contact the benefits administrator to discuss possible leave options. On October 24, 2016, prior to the date Mobley indicated that she would be leaving in her October 14, 2016 resignation, she advised the Director of Human Resources that she would not be returning as of that day. Mobley never returned to the classroom.

By letter dated November 4, 2016, the District notified Mobley that she would be in breach of contract if she left the District without the District finding a suitable replacement for her position. She was further advised that the District would file a formal complaint with the State Board of Education requesting revocation or suspension of her teaching certificate.

On or about November 15, 2016, the Fairfield County School District Board of Trustees voted that a formal complaint be sent to SCDE regarding Mobley's abandonment of her position. Mobley was notified of this action by letter dated December 13, 2016. Notification was sent to SCDE on August 25, 2017.

The District split Mobley's students among the two remaining third grade teachers. This was a problem in that one of those teachers was going out on maternity leave. Mobley's students had to adapt to a new teaching style in the middle of the school year. Four parents expressed concern that Mobley had left so abruptly.

The South Carolina Department of Education (SCDE) sent Mobley 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. Mobley timely requested a hearing. On October 30, 2017, a hearing was held concerning Mobley's alleged Breach of Contract with the District.

After considering the evidence presented at the October 30, 2017 hearing, the State Board finds that the evidence presented demonstrates that Mobley breached her contract with the District. As such, a suspension of her Educator Certificate is warranted. Further, Mobley's conduct harmed the District and the students in that all were placed at a disadvantage by having to integrate into another teacher's class for the remainder of the school year.

However, there are mitigating circumstances created by the District's failure to report this matter to SCDE for nine (9) months following notification by the Fairfield School Board to do so. After waiting a significant period of time and calling SCDE to inquire about the status of her certificate, Mobley accepted employment with Richland District 1 beginning July 2017.

While Mobley's conduct warrants disciplinary action for the maximum one (1) year period, Mobley has effectively satisfied a portion of this period waiting for the District to perform its statutorily prescribed duties. Further, an immediate suspension would detrimentally impact Richland District 1 and Mobley's current students.

Taking all of the above into consideration, the Board finds that just cause exists to suspend Mobley's Educator Certificate for a period of one (1) day, commencing on July 5, 2018, and ending on July 6, 2018.

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". S.C. Code Ann. § 59-25-160 (4) (2004).

S. C. Code Ann. §59-25-530 (2004) provides that a teacher who fails to comply with the provisions of his or her contract without the written consent of the school board is deemed guilty of unprofessional conduct and subject to suspension of the educator certificate for up to one calendar year.

The State Board finds that the evidence presented demonstrates that Mobley engaged in unprofessional conduct by failing to comply with the provisions of her contract without the written consent of the District. Accordingly, the evidence presented supports the State Board's determination that just cause exists to suspend the Educator Certificate of Janay Lanette Mobley, Educator Certificate #275751, for a period of one (1) day, commencing on July 5, 2018, and ending on July 6, 2018. If Ms. Mobley 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 Certification, Recruitment, and Preparation, and shall meet all certification requirements in effect at the time she requests reinstatement. Ms. Mobley shall also pay all applicable reinstatement

fees. The suspension of Ms. Mobley's Educator Certificate #275751 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty (30) days from the date of this order with the reason stated as "unprofessional conduct for breach of contract 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

By: _____


Dr. Ivan Randolph, Chair

Columbia, South Carolina
December 12, 2017