

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Amanda Vernon,	)	(BREACH OF CONTRACT)
	)	
Educator Certificate #225478	)	
_____	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 14, 2017. The South Carolina Department of Education (SCDE) notified Amanda Vernon of her right to a hearing regarding the possible suspension of her South Carolina Educator Certificate by letter dated November 1, 2016, sent via certified and regular U.S. Mail. Ms. Vernon timely requested a hearing. On December 8, 2016, a hearing was held concerning Ms. Vernon's alleged Breach of Contract with the Greenville County School District.

After considering the evidence presented, the State Board hereby voted to suspend Ms. Vernon's educator certificate for a period of one (1) year, commencing on February 14, 2017, and ending on February 13, 2018.

FINDINGS OF FACT

This case concerns a formal complaint by the Greenville County School District (District) seeking the suspension of the Educator Certificate of Amanda Vernon 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. Vernon holds a valid South Carolina Educator Certificate and was employed by the District as an eighth grade English teacher. She signed a contract with the District for the 2016-2017 school year on April 20, 2016. On the same date, she signed a memorandum dated April 13, 2016 from Lynn Gibbs, Executive Director for Human Resources, advising her that the consequences of failing to comply with the terms of her contract without being duly released from such contract by the superintendent. Those consequences were that she would be deemed

guilty of unprofessional conduct with a formal complaint being filed with State Board of Education requesting revocation or suspension of her teaching certificate.

On August 11, 2016, Ms. Vernon tendered her letter of resignation effective that day. She began employment with another school the next day. At the time of Ms. Vernon's resignation, the District was conducting staff development for the teachers with school scheduled to start the following Tuesday (August 16, 2016).

On August 15, 2016, the District notified Ms. Vernon that she would not be released from her contract and that she was in breach of contract. She was further advised that the District intended to file a formal complaint with the State Board of Education requesting revocation or suspension of her teaching certificate.

Ms. Vernon refused to honor her contract until a replacement could be found because she wanted to be available to start the school year with her new students at the new school. The District filled her position with a substitute English teacher until the position was permanently filled on September 7, 2016. Vernon was also responsible for other duties apart from teaching. Those duties were transferred to other teachers. Ms. Vernon's untimely departure impacted her students in that they had a longer adjustment period and had to transition from a substitute teacher to their newly hired permanent teacher. The new teacher was also impacted in that he/she did not have the benefit of the staff development.

Ms. Vernon's sole reason for resigning was to change her retirement plan. She originally enrolled in the State Optional Retirement Program when she began her employment with the District. Since Ms. Vernon had been teaching with the District for more than five (5) years, she was not permitted to change her retirement plan unless she changed districts. She took a job with Brashier Middle College Charter High School because she did not know if she would have a future opportunity to teach in a district that was convenient to her home. She felt that the change in retirement plans was in the best interest of her and her future family.

The South Carolina Department of Education (SCDE) sent Ms. Vernon 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.

Vernon timely requested a hearing. On December 8, 2016, a hearing was held concerning Ms. Vernon's alleged Breach of Contract with the Greenville County School District.

After considering the evidence presented at the December 8, 2016 hearing, the State Board finds that the evidence presented demonstrates that Ms. Vernon breached her contract with the District and a suspension of her Educator Certificate is warranted. Further, Ms. Vernon's conduct harmed the district, the students, and the new teacher in that all were placed at a disadvantage by having to change teachers after the school year has begun. Accordingly, the Board finds that just cause exists to suspend Ms. Vernon's Educator Certificate for a period of one (1) year, commencing on February 14, 2017, and ending on February 13, 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 Ms. Vernon engaged in unprofessional conduct by failing to comply with the provisions of her contract without the written consent of the Greenville County School District. Accordingly, the evidence presented supports the State Board's determination that just cause exists to suspend the Educator Certificate of Amanda Vernon, Educator Certificate #225478, for a period of one (1) year, commencing on February 14, 2017, and ending on February 13, 2018. If Ms. Vernon 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. Vernon shall also pay all applicable reinstatement fees. The suspension of Ms. Vernon's

Educator Certificate #225478 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
February 14, 2017