

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Molly Ann O'Reilly,	)	(BREACH OF CONTRACT)
	)	
<u>Certificate 281164</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on January 10, 2017. On November 28, 2016, the South Carolina Department of Education (SCDE) served Molly Ann O'Reilly with 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. O'Reilly received the notice on December 1, 2016, as evidenced by the signed postal receipt bearing her signature. Ms. O'Reilly has not contacted the SCDE to request a hearing and is now in default. After considering the evidence presented, the State Board voted to suspend Ms. O'Reilly's educator certificate for a period of one year, commencing on January 10, 2017, and ending on January 9, 2018.

FINDINGS OF FACT

This case concerns a formal complaint by the Charleston County School District (District) recommending the suspension of the educator certificate of Molly Ann O'Reilly for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2016) and S.C. Code Ann § 59-25-530 (2016).

Ms. O'Reilly received her initial South Carolina educator certificate by reciprocity on July 1, 2016. She has one year of teaching experience in Connecticut. On July 27, 2016, Ms. O'Reilly signed a Contractual Agreement with the District to serve as a teacher at Chicora Elementary School for the 2016-2017 school year. On August 26, 2016, Ms. O'Reilly notified her principal that she was resigning from the District, effective one month from the date of her notice. On August 29, 2016, Ms. O'Reilly sent an email informing the District that that she was resigning, effective immediately, due to illness. Ms. O'Reilly stated that she was aware of the repercussions and apologized for the inconvenience. The District Director of Human Resources, in a letter dated August 30, 2016, requested a medical statement for Ms. O'Reilly's personnel file

indicating that her health conditions prevented her from continued employment. The letter also informed Ms. O'Reilly that failure to provide the medical statement would result in negative consequences to her teaching certificate and would affect her eligibility for rehire in the future. The letter further stated that Ms. O'Reilly's failure to provide the required medical certificate and failure to provide adequate notice per District policy would result in the District determining that she had breached her contract.

On October 24, 2016, the District Board of Trustees found that Ms. O'Reilly failed to comply with the provisions of her contract without the written consent of the District and that her behavior constituted a breach of her employment contract with the District. The District voted to report Ms. O'Reilly breach of contract to SCDE and the State Board. On November 3, 2016, the District reported this matter to SCDE, requesting that the State Board suspend Ms. O'Reilly's educator certificate.

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 (2016). Just cause includes, *inter alia*, "willful violation of the rules and regulations of the State Board of Education" and "unprofessional conduct." S.C. Code Ann. § 59-25-160 (3) and (4) (2016). Pursuant to S.C. Code Ann. § 59-25-530 (2016), "any teacher who fails to comply with the provisions of his contract without the written consent of the school board shall be deemed guilty of unprofessional conduct." 24 S.C. Code Ann. Regs. 43-58 (2) and (14) (2016), provide that the State Board of Education has the legal authority, *inter alia*, to suspend a certificate for "wilful 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. O'Reilly breached her contract and engaged in unprofessional conduct, and failed to comply with the provisions of her contract without the written consent of the District.

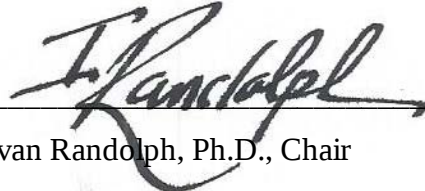
The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Molly Ann O'Reilly, certificate 281164, for a period of one year, commencing on January 10, 2017, and ending on January 9, 2018. If Ms. O'Reilly wishes to have her educator certificate reinstated at the end of the suspension period, she shall make a written request to the SCDE's Office of Educator Services, and shall meet all

certification requirements in effect at the time she requests reinstatement. Ms. O'Reilly shall also pay the applicable reinstatement fee. The suspension of the educator certificate of Molly Ann O'Reilly, certificate 281164, 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: _____


Ivan Randolph, Ph.D., Chair

Columbia, South Carolina

January 10, 2017