

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of)

Jessica Anne Mathews)

Educator Certificate #291335)
_____)

ORDER OF SUSPENSION

(BREACH OF CONTRACT)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on December 11, 2018. On October 23, 2018, the South Carolina Department of Education (SCDE) notified Jessica Anne Mathews, via regular and certified mail, of her right to a hearing regarding the possible suspension of her South Carolina educator certificate regarding her alleged breach of contract with York County School District Four (District). Ms. Mathews received the certified mail on or before November 13, 2018, as evidenced by the signed postal receipt. Ms. Mathews has not contacted the SCDE and is now in default.

After considering the evidence presented, the State Board voted to suspend Ms. Mathews' educator certificate for a period of one year, commencing on December 11, 2018, and ending on December 10, 2019.

FINDINGS OF FACT

This case concerns a formal complaint by the District, seeking the suspension of the educator certificate of Jessica Anne Mathews for breach of contract. The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2017) and S.C. Code Ann. § 59-25-530 (2017).

On May 7, 2018, Ms. Mathews signed a contract with the District for the 2018-2019 school year, agreeing to serve as a special education teacher at Riverview Elementary School (School). On September 5, 2018, the District sent an email to Ms. Mathews regarding her contractual obligations after receiving Ms. Mathews' resignation. The District notified Ms. Mathews that they were searching for a replacement but that she would not be released from her contract until a qualified replacement could be found to supervise, care for, and provide instruction to her students. Ms. Mathews was advised that another placement could be found for her, but she declined that offer. She was further advised that due to the special needs of her

students, a regular substitute would not be able to provide proper supervision to the students while a replacement was found. Ms. Mathews declined to stay until a replacement was secured.

Ms. Mathews was informed the District could recommend a breach of contract matter be approved to report to the SCDE for possible disciplinary action against her educator certificate if she breached her contract. The District indicated the referral was based on Ms. Mathews' failure to report to work without leave. On October 9, 2018, the District Board voted to recommend disciplinary action on Ms. Mathews' educator certificate. On October 17, 2018, the District reported the breach of contract to the SCDE.

After considering the evidence presented, the State Board voted to suspend Ms. Mathews' educator certificate for a period of one year, commencing December 11, 2018, and ending on December 10, 2019.

CONCLUSIONS OF LAW

"The State 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) (2017). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (Supp. 2017), the State Board of Education has the legal authority, *inter alia*, to suspend 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."

With respect to breach of contract, "any teacher who fails to comply with the provisions of his [of her] contract without written consent of the school board shall be deemed guilty of unprofessional conduct." S.C. Code Ann. § 59-25-530 (2017). "Upon the 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.*

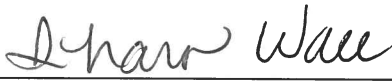
The State Board finds that the evidence presented demonstrates that Ms. Mathews breached her contract and engaged in unprofessional conduct by failing to comply with the provisions of her contract. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Jessica Anne Mathews, certificate 291335, for a period of one year, commencing December 11, 2018, and ending on

December 10, 2019. If Ms. Mathews 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. Mathews shall also pay all applicable reinstatement fees.

The suspension of Ms. Mathews' educator certificate 291335 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within 30 days from the date of this order, with the reason stated as "unprofessional conduct, breach of contract, willful neglect of duty, 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: 
Sharon Wall, Ed.D., Chair

Columbia, South Carolina
December 11, 2018