

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Morgan Marie Johnson,	)	(BREACH OF CONTRACT)
	)	
Certificate 286187	)	
_____	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 12, 2018. On March 30 and April 19, 2018, the South Carolina Department of Education (SCDE) sent Morgan Marie Johnson a notice 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 the Greenville County District (District). Ms. Johnson received the certified mail on April 23, 2018, as evidenced by the signed postal receipt. Ms. Johnson 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. Johnson's educator certificate for a period of one year, commencing June 12, 2018, and ending on June 11, 2019.

FINDINGS OF FACT

This case concerns a formal complaint by the District seeking the suspension of the educator certificate of Morgan Marie Johnson 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 August 10, 2017, Ms. Johnson signed an Induction Contract with the District for the 2017-2018 school year, agreeing to serve as a teacher at Hughes Middle School/ Hughes Academy of Science and Technology (School). On February 28, 2018, Ms. Johnson resigned from her teaching position, effective March 16, 2018. In her resignation, Ms. Johnson noted that she was not only leaving the district but was leaving the education profession, that she understood she would not be able to pursue further employment with the District, and that she understood the ramifications of her ability to pursue certification through the PACE Program. On

March 9, 2018, the District informed Ms. Johnson that in accordance with Board policy GBO, a release from contractual obligations is only approved under exceptional circumstances and when a satisfactory replacement was obtained, and that she was considered to be in breach of her contract. On March 27, 2018, the District Board of Trustees took official action to approve the reporting of Ms. Johnson's breach of contract to the State Board of Education. On March 28, 2018, the District reported this matter to the SCDE, requesting that the State Board take disciplinary action on Ms. Johnson's educator certificate.

After considering the evidence presented, the State Board voted to suspend Ms. Johnson's educator certificate for a period of one year, commencing June 12, 2018, and ending on June 11, 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. Johnson breached her contract and engaged in unprofessional conduct, willfully neglected her duty, and failed to comply with the provision of her contract without the written consent of the Greenville County Board of Trustees. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Morgan Marie Johnson, certificate 286187, for a period of one year, commencing June 12, 2018, and ending on June 11,

2019. If Ms. Johnson 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. Johnson shall also pay all applicable reinstatement fees. The suspension of Ms. Johnson's educator certificate 286187 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
Sharon Wall, Ed.D., Chair

Columbia, South Carolina
June 12, 2018