

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Jekesha Danielle Herring,	)	(BREACH OF CONTRACT)
	)	
Certificate 272006	)	
	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on November 13, 2018. On September 18, 2018, the South Carolina Department of Education (SCDE) sent Jekesha Danielle Herring 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 School District. Ms. Herring received the certified mail on or before October 4, 2018, as evidenced by the signed postal receipt. Ms. Herring has not contacted the SCDE and is now in default. After considering the evidence presented, the State Board voted to suspend Ms. Herring's educator certificate for a period of one year, commencing on November 13, 2018, and ending on November 12, 2019.

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FINDINGS OF FACT

This case concerns a formal complaint by the Greenville County School District (District) seeking the suspension of the educator certificate of Jekesha Danielle Herring 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 2, 2018, Ms. Herring signed a Contract with the District for the 2018-2019 school year agreeing to serve as a Physical Education Teacher at Carolina High School & Academy (School).

On August 9, 2018, Ms. Herring resigned from her position, effective immediately. On August 15, 2018, the District informed Ms. Herring that her resignation was not in compliance with Board Policy GBO (Classification of Employees: Resignation), and it would be presented to

the District Board for approval to refer the matter for possible disciplinary action by the SCDE. On August 28, 2018, the District Board voted to recommend disciplinary action on Ms. Herring's educator certificate. On September 7, 2018, the District reported the breach of contract to the SCDE.

After considering the evidence presented, the State Board voted to suspend Ms. Herring's educator certificate for a period of one year, commencing November 13, 2018, and ending on November 12, 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. Herring breached her contract and engaged in unprofessional conduct, and failed 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 Jekesha Danielle Herring, certificate 272006, for a period of one year, commencing November 13, 2018, and ending November 12, 2019. If Ms. Herring 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. Herring shall also pay all applicable reinstatement fees. The suspension of Ms. Herring's educator certificate 272006

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
November 13, 2018