

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Elizabeth James Reynolds
Certificate 125239

ORDER OF DISMISSAL
(Breach of Contract)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on July 14, 2020. The South Carolina Department of Education (SCDE) notified Elizabeth James Reynolds of potential disciplinary action against her teaching certificate and informed her of her right to a hearing via a certified letter dated November 27, 2019. Ms. Reynolds timely requested a hearing and such was held on February 26, 2020. On March 16, 2020, the SCDE and Ms. Reynolds received the hearing officer's final report and recommendation. After considering the evidence presented, the State Board hereby dismisses this action against Reynolds' educator certificate.

FINDINGS OF FACT

This case concerns a formal complaint by Clarendon School District Two (District) seeking the suspension of Ms. Reynolds' educator certificate for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2004). Ms. Reynolds holds a valid South Carolina professional educator certificate and has over thirty years of experience. She has no prior record of disciplinary action with the State Board.

On May 8, 2019, Ms. Reynolds signed a contract as a teacher for the District for the 2019-20 school year. After signing her contract, a private school approached Ms. Reynolds to ask her to serve as head basketball coach and she immediately spoke to her principal to discuss the offer. On May 23, 2019, Ms. Reynolds was informed that the request was denied by the District. Ms. Reynolds timely appealed to the District's Board on May 24, 2019, requesting a decision prior to June 1, 2019. The Board denied Ms. Reynolds' appeal on June 17, 2019. In July, the private school offered Ms. Reynolds a teaching job. Ms. Reynolds resigned from the District on July 25, 2019 and accepted the

position at the private school. During the hearing, the District provided testimony that it did not post Reynold's position, nor did they replace the position. Instead, the District moved students around so all students were served without replacing the position. Ms. Reynolds provided testimony that when the District hired a new Superintendent, she also met and discussed the issue with him and he addressed the Board about the matter. While the new Superintendent was supportive, the District Board ultimately denied this request also.

The Hearing Officer found that even if Ms. Reynolds did breach her contract by not reporting for duty in August, the circumstances leading to the breach, and the District's actions mitigated the situation to such an extent that Reynolds' certificate should not be suspended. The Hearing Officer further found that the facts surrounding the resignation were critical potential mitigating factors to be considered and that each step Ms. Reynolds took was in accordance with the District's policies and procedures. Additionally, Ms. Reynolds requested that the Board make a determination prior to June 1, 2019, specifically to avoid any contract issues. Finally, the hearing officer concluded that the District did not comply with its own policies in that the Superintendent could have made the decision of non-school employment of professional staff, and that Ms. Reynolds was not afforded full due process in her appeal of the denial.

After considering the evidence presented and the mitigating circumstances surrounding the breach, the State Board finds that Ms. Reynolds did not breach her contract with the District. Accordingly, the State Board finds that just cause exists to accept the recommendation of the hearing officer and dismiss this matter.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. §59-25-150 (2018); The State Board may, for just cause, issue a public reprimand. S.C. Code Ann. Regs. 43-58 (2018). Just cause includes unprofessional conduct. S.C. Code Ann. §59-25-160. The State Board finds that the evidence presented supports its conclusion that just cause does not exist to suspend

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the professional educator certificate of Elizabeth James Reynolds in this matter. Accordingly, this action against Elizabeth James Reynolds, educator certificate 125239 is hereby dismissed.

AND IT IS SO ORDERED.

South Carolina State Board of Education

s/Michael Brennan
Michael Brennan, Chair

Columbia, South Carolina
July 14, 2020