

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the

Disciplinary Action of the

Educator Certificate of

Jessica Ziegler Northcutt

Certificate 292668

ORDER OF SUSPENSION

(BREACH OF CONTRACT)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 9, 2020. On November 27, 2019, and January 22, 2020, the South Carolina Department of Education (SCDE) sent Jessica Ziegler Northcutt a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. According to USPS tracking, Ms. Northcutt received the notice. She has not requested a hearing and is now in default.

After considering the evidence presented, the State Board voted to suspend Ms. Northcutt's educator certificate for a period of one year, commencing June 9, 2020, and ending June 8, 2021.

FINDINGS OF FACT

This case concerns a formal complaint from the Aiken County School District (District) seeking the suspension of the educator certificate of Ms. Northcutt for breach of contract. The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2018) and S.C. Code Ann. § 59-25-530 (2018).

On May 10, 2019, Ms. Northcutt signed a contractual agreement with the District to serve as a teacher for 2019-20 school year. Ms. Northcutt initially requested a release from her contract on June 10, 2019, after being offered a position at a local charter school. On June 11, 2019, she was informed she would not be released from her contract. On June 16, 2019, Ms. Northcutt submitted a resignation to the District. She stated she was aware of possible punitive measures, but felt she needed to resign to accept the position with the charter school. The District notified Ms. Northcutt that she would not be released

from her contract until a suitable replacement could be found. On October 8, 2019, the District Board of Trustees upheld the recommendation to report Ms. Northcutt to the SCDE as a breach of contract.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Northcutt breached her contract with the District, and that just cause exists to suspend Ms. Northcutt's certificate 292668 for a period of one year, commencing on June 9, 2020, and ending on June 8, 2021.

CONCLUSIONS OF LAW

"The South Carolina 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) (2018). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2018), the State Board of Education had the legal authority to suspend a certificate for "failure to comply with the provision 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 [or her] contract without written consent of the school board shall be deemed guilty of unprofessional conduct." S. C. Code Ann. § 59-25-530 (2018). "Upon 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. Northcutt breached her contract without the consent and/or approval of the District. Accordingly, the evidence presented supports the State Board's determination that just cause exists to suspend the educator certificate of Jessica Ziegler Northcutt for a period of one year, commencing on June 9, 2020, and ending on June 8, 2021.

If Ms. Northcutt 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

Jessica Ziegler Northcutt, Certificate 292668
Order of Suspension
June 9, 2020
Page 3

reinstatement. Ms. Northcutt shall also pay the applicable reinstatement fee. The suspension of Ms. Northcutt's educator certificate 292668 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty 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

s/Michael Brennan
Michael Brennan, Chair

Columbia, South Carolina
June 9, 2020