

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the  
Disciplinary Action of the  
Educator Certificate of  
Justin Scott Tipton  
Certificate 245597

**ORDER OF SUSPENSION**  
(Breach of Contract)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 10, 2020. The South Carolina Department of Education (SCDE) notified Justin Scott Tipton of potential disciplinary action against his teaching certificate and informed him of his right to a hearing via a certified letter dated February 11, 2019. Mr. Tipton timely requested a hearing and such was held on August 28, 2019. On February 12, 2020, the SCDE and Mr. Tipton received the hearing officer's report and recommendation. After considering the evidence presented, the State Board hereby voted to suspend Mr. Tipton's educator certificate for a period of five months, commencing on March 10, 2020 and ending on August 11, 2020.

FINDINGS OF FACT

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

Mr. Tipton signed a professional contract with the District on April 18, 2018, as an Assistant Principal for Great Falls Elementary School with the Chester County School District (District). In December of 2018, Mr. Tipton learned of severe health and medical issues with a family member such that he would need to be a caregiver. Mr. Tipton spoke with the District and submitted his letter of resignation, effective January 31, 2019, referencing personal issues requiring his time. Mr. Tipton offered to work until January 31, 2019, but thought that a two week notice would suffice for the District. The District fulfilled its obligations of informing the educator of the policies surrounding the

resignation and the educator acknowledged understanding of the consequences of breaching the contract with the District. The District submitted evidence to the Chester County School Board (School Board) for approval of reporting the matter to the SCDE and the Board issued its' approval on January 28, 2019. The District notified Mr. Tipton of the Board's decision and the matter was reported to the SCDE on February 5, 2019.

Testimony during the hearing revealed that the Superintendent had discussed applying for leave under the Family Leave Medical Act(FMLA) but Mr. Tipton declined. The hearing officer noted in her report and recommendation that while Mr. Tipton did breach his contract, the mitigating factors in this case warranted disciplinary action of less than one year. The hearing officer noted that Mr. Tipton's reason for resigning was in part to lessen the impact of his departure, allowing the District to replace his position in an efficient matter, as he was unable to give a timeline on his return. As a result, the District was able to hire a replacement from within the District within a short period of time after Mr. Tipton left.

After considering the evidence presented and the mitigating circumstances surrounding the breach, the State Board finds that Mr. Tipton breached his contract with the District. Accordingly, the Board finds that just cause exists to accept the recommendation of the hearing officer and suspend Mr. Tipton's educator certificate for a period of five months, commencing on March 10, 2020, and ending on August 11, 2020.

#### CONCLUSIONS OF LAW

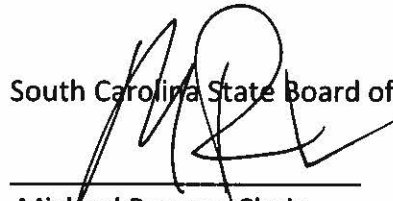
"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. §59-25-150 (2018); The State Board may, for just cause, issue a public reprimand. S.C. Code Ann. Regs. 43-58 (2018). Just cause includes unprofessional conduct. S.C. Code Ann. §59-25-160. The State Board finds that the evidence presented supports its conclusion that just cause exists to suspend the professional educator certificate of Justin Scott Tipton in this matter. The State Board further finds that the evidence of mitigation valid and as such adopts the recommendation of the hearing officer to reduce the period of suspension to five months.

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If Justin Scott Tipton wishes to have his educator certificate reinstated at the end of the suspension period, he shall make a written request to the SCDE's Office of Educator Services, and shall meet all certification requirements in effect at the time he requests reinstatement. Mr. Tipton shall also pay the applicable reinstatement fee. The suspension of Justin Scott Tipton's educator certificate 245597 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

A handwritten signature in black ink, appearing to read 'MB', is written over a horizontal line.

Michael Brennan, Chair

Columbia, South Carolina  
March 10, 2020