

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Jenny S. Carroll
Certificate 135920

ORDER OF SUSPENSION
(Breach of Contract)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on September 8, 2020. The South Carolina Department of Education (SCDE) notified Jenny S. Carroll of potential disciplinary action against her teaching certificate and informed her of her right to a hearing via a certified letter dated January 31, 2020. Ms. Carroll timely requested a hearing. However, the initial hearing on March 26, 2020, was rescheduled, and such was held on July 24, 2020. On August 17, 2020, the SCDE and Ms. Carroll received the hearing officer's final report and recommendation. After considering the evidence presented, the State Board hereby voted to suspend Ms. Carroll's educator certificate for a period of eleven months, commencing on September 8, 2020 and ending on August 7, 2021.

FINDINGS OF FACT

This case concerns a formal complaint by the Allendale County School District (District) seeking the suspension of Ms. Carroll'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). Ms. Carroll holds a valid South Carolina professional educator certificate and has over twenty-seven years of experience. She has no prior record of disciplinary action with the State Board.

On April 4, 2019, Ms. Carroll, signed an annual contract as a teacher for the District for the 2019-20 school year. Ms. Carroll ultimately retired and continued with the District as a retired employee. Ms. Carroll was assigned to Allendale Elementary School (School) as a third grade teacher.

During the hearing, Ms. Carroll testified that she no longer wished to continue employment with the District and presented a verbal resignation to the Principal. The

Principal informed Ms. Carroll of the consequences and instructed her on the proper resignation process. The District telephoned Ms. Carroll on December 17, 2019, to remind her of her contractual obligations and requested she meet with human resources. Ms. Carroll declined an exit interview as she was already re-employed and her schedule did not allow for time off. At the hearing, Ms. Carroll alleged she experienced a hostile work environment and conditions she could not tolerate; however, the Hearing Officer found these arguments insufficient as a mitigating factor because Ms. Carroll did not relay these concerns to the District. On December 18, 2019, the District informed Ms. Carroll of her breach of contract and its intention to refer the matter to the SCDE. The District notified the SCDE by letter, on December 18, 2019. The hearing officer ultimately found that there was sufficient evidence to support the conclusion Ms. Carroll breached her contract by not reporting as instructed on December 12, 2019 or thereafter. The hearing officer recommended a suspension of her teaching certificate for eleven months.

After considering the evidence presented, the State Board finds that Ms. Carroll breached her contract with the District. Accordingly, the State Board finds that just cause exists to accept the recommendation of the hearing officer and suspend Ms. Carroll's educator certificate for a period of eleven months, commencing on September 8, 2020 and ending on August 7, 2021.

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 Jenny S. Carroll in this matter. The State Board finds that just cause exists to accept the recommendation of the hearing officer and suspend Ms. Carroll's educator certificate for a period of eleven months, commencing on September 8, 2020 and ending on August 7, 2021.

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If Ms. Carroll 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. Carroll shall also pay the applicable reinstatement fee. The suspension of Jenny S. Carroll's educator certificate 135920 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
September 8, 2020