

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Jennifer Renay Elkins
Certificate 231155

**ORDER OF SUSPENSION
(BREACH OF CONTRACT)**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 13, 2021. On October 2, 2020, and November 13, 2020, the South Carolina Department of Education (SCDE) sent Jennifer Renay Elkins a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. The SCDE has verified Ms. Elkins' address. On January 5, 2021, the SCDE informed Ms. Elkins via regular mail that the State Board would meet on February 9, 2021, or as soon thereafter as feasible, to consider action against her educator certification. Under the South Carolina Rules of Civil Procedure 5(b), Ms. Elkins has been given fair notice of constitutional due process. She has not contacted the SCDE to request a hearing and is now in default.

After considering the evidence presented, the State Board voted to suspend Ms. Elkins' educator certificate for a period of one year, commencing April 13, 2021, and ending on April 12, 2022.

FINDINGS OF FACT

This case concerns a formal complaint of Richland County School District Two (District) seeking the suspension of the educator certificate of Ms. Elkins 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 8, 2020, Ms. Elkins signed a contractual agreement with the District to serve as a teacher for the 2020-21 school year. On August 11, 2020, Ms. Elkins submitted her resignation to the District, effective immediately. In her resignation, Ms. Elkins alleged she was moving out of the state due to family obligations. On August 13, 2020, the District informed Ms. Elkins she would not be released from her contract until a suitable

replacement was found and the resignation was approved by the District's Superintendent. Ms. Elkins did not return to fulfill her contract. The District Board voted to report her breach of contract to the SCDE on September 8, 2020. The District reported the matter to the SCDE on September 10, 2020.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Elkins' breached her contract with the District, and that just cause exists to suspend Ms. Elkins' certificate 231155 for a period of one year, commencing on April 13, 2021, and ending on April 12, 2022.

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. Elkins 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 Jennifer Renay Elkins for a period of one year, commencing on April 13, 2021, and ending on April 12, 2022.

If Ms. Elkins 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

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Services, and shall meet all certification requirements in effect at the time he requests reinstatement. Ms. Elkins shall also pay the applicable reinstatement fee. The suspension of Ms. Elkins' educator certificate 231155 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/Kristi Woodall

Kristi Woodall, Ed.D., Chair

Columbia, South Carolina

April 13, 2021