

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Jacqueline Sutton O’Neal
Certificate 265446

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 8, 2022. On November 22, 2021, the South Carolina Department of Education (SCDE) sent Jacqueline Sutton O’Neal a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. The letters have not been returned. On December 31, 2021, the SCDE sent Ms. O’Neal notice that the action against her certification would be presented to the State Board on February 8, 2022. Ms. O’Neal 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. O’Neal’s educator certificate for a period of one year, commencing February 8, 2022, and ending on February 7, 2023.

FINDINGS OF FACT

This case concerns a formal complaint of the Marion County School District (District) seeking the suspension of the educator certificate of Ms. O’Neal 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 April 26, 2021, Ms. O’Neal signed a contractual agreement with the District to serve as a teacher for the 2021-22 school year. On October 12, 2021, Ms. O’Neal submitted her resignation to the District, effective October 22, 2021. Ms. O’Neal’s resignation was submitted to the District’s Board of Trustees on October 19, 2021. The Board of Trustees voted to not accept Ms. O’Neal’s request for release and to report the breach of contract to the SCDE. At the beginning of the school year on August 10, 2021,

Ms. O'Neal failed to report to work. The District reported the breach of contract to the SCDE on November 17, 2021.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. O'Neal breached her contract with the District, and that just cause exists to suspend Ms. O'Neal's certificate 265446 for a period of one year, commencing on February 8, 2022 and ending on February 7, 2023.

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. O'Neal 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 Jacqueline Sutton O'Neal for a period of one year, commencing on February 8, 2022, and ending on February 7, 2023.

If Ms. O'Neal 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. O'Neal shall also pay the applicable reinstatement fee. The

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suspension of Ms. O'Neal educator certificate 265446 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/Alan Walters

Alan Walters, Chair

Columbia, South Carolina

February 8, 2022