

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of) **ORDER OF SUSPENSION**
)
James Bennie Saunders, Jr.,) **(BREACH OF CONTRACT)**
)
Certificate 275414)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 14, 2016. On April 20, 2016, the South Carolina Department of Education (SCDE) served James Bennie Saunders, Jr. a notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. Mr. Saunders received the notice and informed the SCDE Office of General Counsel, on April 29, 2016, that he is no longer teaching in South Carolina and that he did not desire a hearing in this matter.

After considering the evidence presented, the State Board voted to suspend Mr. Saunders' educator certificate for a period of one year, commencing on June 14, 2016, and ending on June 13, 2017.

FINDINGS OF FACT

This case concerns a formal complaint by the Fairfield County School District (District) recommending the suspension of the educator certificate of James Bennie Saunders, Jr. for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (Rev. 2004) and S.C. Code Ann § 59-25-530 (Rev. 2004).

Mr. Saunders holds an initial South Carolina educator certificate, effective July 1, 2015, and had no prior teaching experience before becoming employed with the District for the 2015-2016 school year. On July 15, 2015, Mr. Saunders signed a Contractual Agreement with the District to serve as a special education teacher at Gordon Odyssey Academy. Mr. Saunders never submitted a letter of resignation, but was found to have abandoned his position after he failed to arrive for work. By the time District officials learned of this abandonment, Mr. Saunders had already relocated to Pennsylvania. On September 17, 2015, the District Director of

Human Resources informed Mr. Saunders that he had engaged in unprofessional conduct by failing to comply with the provisions of his contract without having been duly released from his contract. The District also informed Mr. Saunders that a formal complaint would be filed with the State Board.

On September 15, 2015, the District Board of Trustees found that Mr. Saunders failed to comply with the provisions of his contract without the written consent of the District Board of Trustees and that his behavior constituted a breach of his employment contract with the District. The District voted to report Mr. Saunders' breach of contract to SCDE and the State Board. On January 25, 2015, the District reported this matter to SCDE, requesting that the State Board suspend Mr. Saunders' educator certificate.

On April 20, 2016, the SCDE served Mr. Saunders with notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. Mr. Saunders received the notice and informed the SCDE Office of General Counsel on April 29, 2016, that he was no longer teaching in South Carolina and that he did not desire a hearing in this matter. After considering the evidence presented, the State Board voted to suspend Mr. Saunders' educator certificate for a period of one year, commencing on June 14, 2016, and ending on June 13, 2017.

CONCLUSIONS OF LAW

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (Rev. 2004). Just cause includes, *inter alia*, "willful violation of the rules and regulations of the State Board of Education" and "unprofessional conduct." S.C. Code Ann. § 59-25-160 (3) and (4) (Rev. 2004). Pursuant to S.C. Code Ann. § 59-25-530 (Rev. 2004), "any teacher who fails to comply with the provisions of his contract without the written consent of the school board shall be deemed guilty of unprofessional conduct." 24 S.C. Code Ann. Regs. 43-58 (2) and (14) (2011), provide that the State Board of Education has the legal authority, *inter alia*, to suspend a certificate for "wilful neglect of duty" and "failure to comply with the provisions of a contract without the written consent of the local school board." The State Board finds that the evidence presented demonstrates that Mr. Saunders breached his contract and engaged in unprofessional conduct, willfully neglected his duty, and failed to comply with the provisions of his contract without the

written consent of the Fairfield County School District. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of James Bennie Saunders, Jr., certificate 275414, for a period of one year, commencing on June 14, 2016, and ending on June 13, 2017. If Mr. Saunders 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. Saunders shall also pay the applicable reinstatement fee. The suspension of Mr. Saunders' educator certificate 275414 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: _____

Michael R. Brennan, Chair

Columbia, South Carolina

June 14, 2016