

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Justin Coleman
Certificate 906111

CONSENT ORDER OF SUSPENSION

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on December 8, 2020. On January 30, 2020, the South Carolina Department of Education (SCDE) sent Justin Coleman a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate based on his breach of contract. Mr. Coleman timely requested a hearing in the matter. Prior to the hearing, Mr. Coleman's legal counsel contacted the SCDE and the Fairfield County School District. Mr. Coleman has agreed to waive his right to a hearing and enter into this Consent Order of Suspension.

After considering the evidence presented, the State Board voted to suspend Mr. Coleman's educator certificate for a period of 11 months, commencing January 28, 2020, and ending December 28, 2020.

FINDINGS OF FACT

This case concerns a formal complaint from the Fairfield County School District (District) seeking the suspension of the educator certificate of Mr. Coleman 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 July 30, 2019, Mr. Coleman signed a contractual agreement with the District to serve as a teacher for the 2019-2020 school year. Mr. Coleman submitted his resignation on December 1, 2019, effective immediately. The District informed him he would not be released from his contract until a suitable replacement was found and the provided notice of the consequences of abandoning his contractual obligations. Mr. Coleman did not

Justin Coleman, Certificate 906111

JRC

Initial

11/30/20

Date

return to work, and the District Board of Trustees subsequently voted to report Mr. Coleman to the State Board as a breach of contract.

After being notified of the pending action against his educator certificate, Mr. Coleman contacted the SCDE to discuss an alternate resolution. Mr. Coleman has agreed to the suspension of his educator certificate for a period of eleven months, commencing on January 28, 2020, and ending December 28, 2020. As the aggrieved party, the District partook in negotiations for an alternative resolution and, due to the delay in scheduling a hearing based on COVID-19 closures, agreed with the terms of this Consent Order of Suspension

After considering the evidence, the State Board finds that the evidence presented demonstrates that Mr. Coleman breached his contract with the District, and that just cause exists to suspend Mr. Coleman's certificate 906111 for a period of 11 months, commencing on January 28, 2020, and ending on December 28, 2020.

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."

The State Board finds that the evidence presented demonstrates that Mr. Coleman breached his 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 Justin Coleman for a period of 11 months, commencing on January 28, 2020, and ending on December 28, 2020. If Mr. Coleman 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. Coleman shall also pay the applicable reinstatement fee. The suspension of Mr. Coleman educator certificate 297127 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
December 8, 2020

I, Justin Coleman, S.C. Educator Certificate 906111, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator certificate holders and that I have waived my right to a hearing in this matter. I understand that the terms set forth in this Consent Order of Suspension are not subject to reconsideration, collateral attack or judicial review. I have read the Consent Order of Suspension, consisting of three pages, and I freely and voluntarily agree to the terms set forth therein. I understand that this Order will be presented to the South Carolina State Board of Education for approval on Tuesday, December 8, 2020. I understand this Consent Order will not become effective until approved by the State Board and, if not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the State Board to adjudicate this matter. If approved by the State Board, I give the SCDE permission to use my electronic signature in the style of "/s/ name" for required website publication.

Justin R. Coleman
Justin Coleman

Date