

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
James Michael Mears
Certificate 151429

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 14, 2022. On October 20, 2021, and November 12, 2021, the South Carolina Department of Education (SCDE) sent James Michael Mears a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate. On December 31, 2021, the SCDE sent Mr. Mears notice that this matter would be presented to the State Board on February 8, 2022. Mr. Mears contacted the SCDE but did not request a hearing at that time and subsequently ceased communication. On May 24, 2022, the SCDE informed Mr. Mears via regular mail that the State Board would meet on June 14, 2022, to consider action against his educator certification. Under the South Carolina Rules of Civil Procedure 5(b), Mr. Mears has been given fair notice of constitutional due process. Mr. Mears 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 James M. Mears' educator certificate for a period of one year, commencing June 14, 2022, and ending on June 13, 2023.

FINDINGS OF FACT

This case concerns a formal complaint of Richland County School District One (District) seeking the suspension of the educator certificate of Mr. Mears 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 10, 2021, Mr. Mears signed a contractual agreement with the District to serve as an educator for the 2021-22 school year. On July 21, 2021, Mr. Mears submitted his resignation to the District, effective June 15, 2021. Mr. Mears cited family

responsibilities as the reason for his resignation. On July 29, 2021, the District informed Mr. Mears he would not be released from contract until a suitable candidate was identified and hired. Mr. Mears did not report to work at the beginning of the school year. The District Board voted to report Mr. Mears' breach of contract to the SCDE on October 12, 2021. The District reported the matter to the SCDE on October 13, 2021.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Mr. Mears breached his contract with the District, and that just cause exists to suspend Mr. Mears' certificate 151429 for a period of one year, commencing on June 14, 2022, and ending on June 13, 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 Mr. Mears 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 James Michael Mears for a period of one year, commencing on June 14, 2022, and ending on June 13, 2023.

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If Mr. Mears 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. Mears shall also pay the applicable reinstatement fee. The suspension of Mr. Mears' educator certificate 151429 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
June 14, 2022