

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
James Thomas Di Paolo
Certificate 303541

ORDER OF SUSPENSION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on September 13, 2022. On November 8, 2021, the South Carolina Department of Education (SCDE) sent a notice via regular and certified mail, return receipt requested, to James Thomas Di Paolo concerning the pending action against educator certificate 303541. Mr. Di Paolo thereafter timely requested a hearing which was held on May 13, 2022. This matter is properly before the State Board pursuant to S.C Code Ann. § 59-25-150 (2020) and referred to a hearing officer pursuant to S.C. Code Ann. 59-5-70 (2020). After considering the evidence, testimony, and the report and recommendations presented, the State Board voted to suspend the certificate of James Thomas Di Paolo's, certificate 303541, for a period of three months, commencing on September 13, 2022, and ending on December 12, 2022.

FINDINGS OF FACT

This case concerns a formal complaint of Greenville County School District (District) seeking the suspension of the educator certificate of Mr. Di Paolo 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 22, 2021, Mr. Di Paolo signed a contractual agreement with the District to serve as an educator at Taylors Elementary School 2021-2022 school year. On September 29, 2021, Mr. Di Paolo submitted his resignation to the District, effective October 12, 2021. Mr. Di Paolo informed the District he would be changing his profession. On September 30, 2021, Mr. Di Paolo was notified he would not be released from his contract until a suitable replacement was found. He did not return to fulfill his contract and is now a recruiter with the United States Navy. The

District Board voted to report Mr. Di Paolo's breach of contract to the SCDE on October 26, 2021. On November 3, 2021, the District reported the matter to the SCDE.

In the Final Report and Recommendation, the Hearing Officer recommended that Mr. Di Paolo's educator certificate be suspended for a period of three months. The Hearing Officer noted Mr. Di Paolo accepted responsibility for his actions and requested leniency because he loves teaching and hopes to return to the profession in the future. After considering the evidence presented, the State Board finds just cause for the suspension of Mr. Di Paolo's educator certificate for a period of three months, commencing on September 13, 2022 and ending on December 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) (2020). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2021), 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 (2020). "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. Di Paolo 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 Thomas Di Paolo for a period of three months, commencing on September 13, 2022, and ending on December 12, 2022.

AND IT IS SO ORDERED.

South Carolina Board of Education

James Thomas Di Paolo, Certificate 303541
ORDER OF SUSPENSION
September 9, 2022
Page 3

s/Alan Walters
Alan Walters, Chair

Columbia, South Carolina
September 9, 2022