

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
James Michael Campbell
Certificate 233833

ORDER OF SUSPENSION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on August 8, 2023. On August 29, 2022, the South Carolina Department of Education (SCDE) sent a notice via regular and certified mail, return receipt requested, to James Michael Campbell, concerning the pending action against educator certificate 233833. Mr. Campbell thereafter timely requested a hearing, which was held on June 8, 2023. 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 Mr. Campbell, certificate 233833, for a period of six months, commencing on August 8, 2023, and ending on February 7, 2024.

FINDINGS OF FACT

This case concerns a formal complaint of the Greenville County School District (District) seeking the suspension of the educator certificate of Mr. Campbell for breach of contract. The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2020) and S.C. Code Ann. § 59-25-530 (2020).

On April 11, 2022, Mr. Campbell signed a contractual agreement with the District to serve as a Spanish teacher for the 2022-23 school year. The District recently amended its resignation policy, allowing for teachers to break a contract for the following school year for any reason prior to June 1st. In previous years, the deadline was July 1st. A cover letter was included with all contracts, with the new date in bold typeface and underlined. Mr. Campbell submitted his resignation on June 29, 2022. He was advised he had already missed the deadline for a 'no fault'

resignation, and that by staying until August he could retain his insurance. Therefore, he stated his resignation would be effective on August 2, 2022.

During the hearing, Mr. Campbell explained he was entering a PhD program that required funding through a third party that could not be confirmed before July 1, 2022. Once funding was confirmed, Mr. Campbell needed to resign to attend the out-of-state program. The District informed Mr. Campbell his resignation would not be accepted until a suitable replacement could be found. A replacement was not located before Mr. Campbell left the District.

The Hearing Officer found that the District showed conclusive evidence Mr. Campbell did breach his contract with the District. The Hearing Officer noted that Mr. Campbell attempted to aid the District in locating a suitable replacement by contacting former student teachers. They also considered that Mr. Campbell was a dedicated teacher for fifteen years, he was only twenty-eight days late in providing his resignation, and only resigned to further his education to continue to teach.

After considering the evidence presented, the State Board finds just cause for the suspension of Mr. Campbell's educator certificate for a period of six months, commencing on August 8, 2023 and ending on February 7, 2024.

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 has 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.*

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The State Board finds that the evidence presented demonstrates that Mr. Campbell 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 Campbell for a period of six months, commencing on August 8, 2023, and ending on February 7, 2024.

AND IT IS SO ORDERED.

South Carolina Board of Education

s/Crystal F. Stapleton, Ed.D.

Crystal F. Stapleton, Ed.D., Chair

Columbia, South Carolina

August 8, 2023