

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
John Dru Mims,	)	(BREACH OF CONTRACT)
	)	
<u>Certificate 179347</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 10, 2016. On October 2, 2015, and December 23, 2015, the South Carolina Department of Education (SCDE) attempted to serve John Dru Mims 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. On January 16, 2016, Mr. Mims received the notice as evidenced by a signed postal receipt. On January 26, 2016, the SCDE Office of General Counsel contacted Mr. Mims by telephone concerning this matter. Mr. Mims informed the SCDE that he had received the notice and that he was not requesting a hearing, pursuant to S.C. Code Ann. § 59-25-170 (Rev. 2004).

After considering the evidence presented, the State Board voted to suspend Mr. Mims' educator certificate for a period of one year, commencing on February 10, 2016, and ending on February 9, 2017.

FINDINGS OF FACT

This case concerns a formal complaint by the Bamberg County School District Two (District) recommending the suspension of the educator certificate of John Mims 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. Mims holds a valid South Carolina educator certificate and has over eighteen years of teaching experience. On April 27, 2015, Mr. Mims signed a 190 day Contractual Agreement with the District to serve as a social studies teacher for the 2015-2016 school year. Mr. Mims submitted a written resignation on August 5, 2015, stating that his resignation was effective immediately. Mr. Mims did not come to work on the first day of class, August 6, 2015. On

August 6, 2015, the District's Human Resources Director, Michelle Nimmons, informed Mr. Mims that his actions were unprofessional and qualified as a breach of his contract with the District. The District also informed Mr. Mims that his breach of contract would be reported to the SCDE.

On August 18, 2015, the District Board of Trustees found that Mr. Mims failed to comply with the resignation 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. Mims' breach of contract to SCDE and the State Board. On September 15, 2015, the District reported this matter to SCDE requesting that the State Board take action regarding Mr. Mims' educator certificate.

The SCDE attempted to serve Mr. Mims with notice of his right to a hearing concerning this breach of contract matter, by regular and certified mail, return receipt requested, delivery restricted to addressee. The SCDE sent Mr. Mims these notices on October 2, 2015, and December 23, 2015. On January 16, 2016, Mr. Mims received the notice as evidenced by a signed postal receipt. Mr. Mims informed the SCDE Office of General Counsel on January 26, 2015, that he had received the December 23, 2015, notice letter and that he was not requesting a hearing in this matter.

After considering the evidence presented, the State Board voted to suspend Mr. Mims' educator certificate for a period of one year, commencing on February 10, 2016, and ending on February 9, 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), provides that the State Board of Education has the legal authority, *inter alia*, to suspend a certificate for "willful 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. Mims 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 Bamberg County School District Two. The evidence presented further supports the State Board’s determination that just cause exists to suspend the educator certificate of John Dru Mims, certificate 179347, for a period of one year, commencing on February 10, 2016, and ending on February 9, 2017. If Mr. Mims 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. Mims shall also pay the applicable reinstatement fee. The suspension of Mr. Mims’ educator certificate 179347 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
February 10, 2016