

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of)
)
James Wayne Garland)
)
Certificate 187077)

**CONSENT ORDER OF
SUSPENSION**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on October 11, 2016. On June 30, 2016, the South Carolina Department of Education (SCDE) sent notice to Mr. Garland informing him that the State Board would meet to make a determination regarding the possible suspension of his educator certificate by regular and certified mail, return receipt requested. Mr. Garland received the notice on July 5, 2016, as evidenced by the signed postal receipt. Mr. Garland has now agreed to enter into a Consent Order of Suspension of his educator certificate 187077. After considering the evidence presented, the State Board voted to accept the Consent Order of Suspension of Mr. Garland's educator certificate for a period of two years commencing on October 11, 2016, and ending on October 10, 2018.

FINDINGS OF FACT

Mr. Garland holds an educator certificate and has eighteen years of educator experience. He has no prior record of disciplinary action with the State Board. He began employment with the Oconee County School District (District) in 1998. Mr. Garland was employed as an assistant principal at West Oak High School (School) when allegations arose that he was engaging in inappropriate communication with a female student at the School. Mr. Garland was put on administrative leave during an investigation in the allegations and subsequently resigned, effective July 29, 2015.

The District was notified of the inappropriate communication between Mr. Garland and the female student when one of the student's friends reported the inappropriate text messages to another assistant principal at the school. This information was submitted to the superintendent, who chose to open an investigation into the

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allegations. Mr. Garland admitted to emailing the student at the request of a coworker who wanted him to address the student's failure to report to class and low grades. When he emailed the female student, Mr. Garland states that he included his number in his signature while working from home during his medical absence. The student brought this to his attention in a reply email but agreed to keep the information secret. Phone records revealed numerous messages were sent between the female student and Mr. Garland. Mr. Garland notes that he should have reported the initial email contact to the school, however he denies any wrong doing.

On June 30, 2016, the SCDE sent notice to Mr. Garland informing him that the State Board would meet to make a determination regarding the possible suspension of his educator certificate by regular and certified mail, return receipt requested. Mr. Garland received the notice on July 5, 2016, as evidenced by the signed postal receipt. Mr. Garland has now agreed to enter into a Consent Order of Suspension of his educator certificate 187077. After considering the evidence presented, the State Board voted to accept the Consent Order of Suspension of Mr. Garland's educator certificate for a period of two years commencing on October 11, 2016, and ending on October 10, 2018.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004); S.C. Code Ann. § 59-25-160 (2004). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (2004). The State Board finds that the evidence presented by the SCDE demonstrates that Mr. Garland engaged in unprofessional conduct as result of his inappropriate communications with a female student at the School. The State Board finds that the information presented supports its conclusion that just cause exists to accept the Consent Order of Suspension of the educator certificate of James Wayne Garland and to suspend Mr. Garland's educator certificate for a period of two years commencing on October 11, 2016, and ending on October 10, 2018

Now, therefore, it is hereby ordered that the educator certificate of James Wayne Garland, certificate 187077, is suspended for a period of two years commencing on October 11, 2016, and ending on October 10, 2018. If Mr. Garland wishes to have his certificate reinstated at the conclusion of the period of suspension, he shall make a

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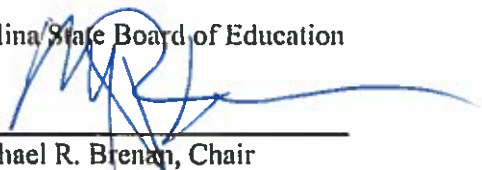
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written request to the SCDE's Office of Educator Services. Mr. Garland shall be responsible for meeting all certification requirements in effect at the time he requests reinstatement and for the payment of any applicable reinstatement fees. The suspension of Mr. Garland's educator certificate 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.

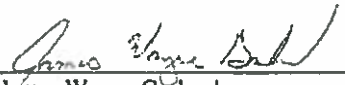
South Carolina State Board of Education

By: 

Michael R. Brennan, Chair

Columbia, South Carolina
October 11, 2016

I, James Wayne Garland, S.C. Educator Certificate 187077, 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 agree that during the period of suspension, I will not serve as a volunteer in any type of educator role or be employed as an educator, paraprofessional, aide, substitute teacher, coach or in any other position in a public school in the State of South Carolina. I understand that the terms set forth in this Consent Agreement are not subject to reconsideration, collateral attack or judicial review. I hereby freely, knowingly and voluntarily agree to the suspension of my educator certificate by the South Carolina State Board of Education. I agree to the proposed Consent Order of Suspension, consisting of three pages, and understand that this Order will be presented to the South Carolina State Board of Education on October 11, 2016.


James Wayne Garland


Date