

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Torrey D. Johnson
Certificate 905730

ORDER OF SUSPENSION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on August 9, 2022. On February 7, 2022, the South Carolina Department of Education (SCDE) sent Torrey D. Johnson a notice via regular and certified mail, return receipt requested, concerning the pending action against educator certificate 905730. Mr. Johnson thereafter timely requested a hearing, which was held on June 2, 2022. This matter is properly before the State Board pursuant to S.C Code Ann. § 59-25-150 (2017) and referred to a hearing officer pursuant to S.C. Code Ann. 59-5-70 (2004). After considering the evidence, testimony, and the report and recommendations presented, the State Board voted to suspend the certificate of Mr. Johnson's educator certificate 905730, for a period of three months, commencing on August 9, 2022, and ending on November 8, 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. Johnson 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 7, 2021, Mr. Johnson signed a contractual agreement with the District to serve as a welding instructor for the 2021-2022 school year. On December 7, 2021, Mr. Johnson submitted his resignation to the District, stating that he had accepted a new job that would begin on January 3, 2022. At the hearing, Mr. Johnson did not dispute that he breached his contract with the District. In determining the length of the recommended suspension of Mr. Johnsons' educator

certification, the Hearing Officer considered Mr. Johnson's conduct and honesty. A three month suspension has been recommended.

After considering the evidence presented, the State Board finds just cause for the suspension of Mr. Johnson's educator certificate for a period of three months, commencing on August 9, 2022 and ending on November 8, 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) (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. Johnson 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 Mr. Johnson for a period of three months, commencing on August 9, 2022, and ending on November 8, 2022.

If Mr. Johnson 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. Johnson shall also pay the applicable reinstatement fee. The suspension of Mr. Johnson's educator certificate 905730 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

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“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 Board of Education

s/Alan Walters

Alan Walters, Chair

Columbia, South Carolina

August 9, 2022