

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
James Joseph Rogers Jr.
Certificate 295950

CONSENT ORDER OF SUSPENSION

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 8, 2022. On January 8, 2022, the South Carolina Department of Education (SCDE) sent James Joseph Rogers Jr. a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate based on his breach of contract. Mr. Rogers received the notice and contacted the SCDE to discuss an alternate resolution. He has agreed to waive his right to a hearing and enter into this Consent Order of Suspension.

After considering the evidence presented, the State Board voted to suspend Mr. Rogers' educator certificate 295950 for a period of one year, commencing March 8, 2022, and ending March 7, 2023.

FINDINGS OF FACT

This case concerns a formal complaint from Richland County School District Two (District) seeking the suspension of the educator certificate of Mr. Rogers 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 5, 2021, Mr. Rogers signed a contractual agreement with the District to serve as a teacher for the 2021-22 school year. Mr. Rogers submitted a separation request to the District on December 16, 2021, effective December 17, 2021. Mr. Rogers resigned to accept a teaching position at his children's private school. The District informed Mr. Rogers he would not be released from his contract until a suitable replacement was found. On January 25, 2022, the District Board of Trustees voted to report Mr. Rogers'

James Joseph Rogers Jr.
s/JJRJ
Initial
2/28/2022
Date

resignation to the SCDE as a breach of contract. Mr. Rogers has agreed to the suspension of his educator certificate for a period of one year.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Mr. Rogers breached his contract with the District, and that just cause exists to suspend Mr. Rogers' certificate 295950 for a period of one year, commencing on March 8, 2022, and ending on March 7, 2023.

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 (3) 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."

The State Board finds that the evidence presented demonstrates that Mr. Rogers 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 Joseph Rogers Jr. for a period of one year, commencing on March 8, 2022, and ending on March 7, 2023. If Mr. Rogers 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

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requirements in effect at the time he requests reinstatement. Mr. Rogers shall also pay the applicable reinstatement fee.

The suspension of Mr. Rogers' educator certificate 295950 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 unprofessional conduct, breach of contract, 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 State Board of Education

s/Alan Walters
Alan Walters, Chair

Columbia, South Carolina
March 8, 2022

I, James Joseph Rogers Jr., S.C. Educator Certificate 295950, 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 understand that the terms set forth in this Consent Order of Suspension are not subject to reconsideration, collateral attack or judicial review. I have read the Consent Order of Suspension, consisting of three pages, and I freely and voluntarily agree to the terms set forth therein. I understand that this Order will be presented to the South Carolina State Board of Education for approval on Tuesday, March 8, 2022. I understand this Consent Order will not become effective until approved by the State Board and, if not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the State Board to adjudicate this matter. If approved by the State Board, I give the SCDE permission to use my electronic signature in the style of "/s/ name" for required website publication.

s/James Joseph Rogers Jr.
James Joseph Rogers Jr.

2/28/2022
Date

James Joseph Rogers Jr.
s/JJRJ
Initial
2/28/2022
Date