

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
James Daniel Potkanowicz
Certificate 283305

**ORDER OF SUSPENSION
(BREACH OF CONTRACT)**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 14, 2023. On December 2, 2022, the South Carolina Department of Education (SCDE) sent James Daniel Potkanowicz a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate. The SCDE has verified Mr. Potkanowicz's address and the letter sent via regular mail has not been returned. On January 19, 2023, the SCDE informed Mr. Potkanowicz via regular mail that the State Board would meet on February 14, 2023, or as soon thereafter as is feasible, to consider action against his educator certification. Under the South Carolina Rules of Civil Procedure 5(b), Mr. Potkanowicz has been given fair notice of constitutional due process. He has not contacted the SCDE to request a hearing and is now in default.

After considering the evidence presented, the State Board voted to suspend Mr. Potkanowicz's educator certificate for a period of one year, commencing March 14, 2023, and ending on March 13, 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. Potkanowicz 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 May 2, 2022, Mr. Potkanowicz signed a contractual agreement with the District to serve as a teacher for the 2022-23 school year. On October 24, 2022, Mr. Potkanowicz submitted his resignation to the District, effective November 11, 2022. In his resignation, Mr. Potkanowicz stated he was accepting a position outside of the District that offered a significant pay increase. On October 25, 2022, the District informed Mr. Potkanowicz his

resignation was considered a breach of contract. The District Board voted to report Mr. Potkanowicz's breach of contract to the SCDE on November 29, 2022. The District reported the matter to the SCDE on December 1, 2022.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Mr. Potkanowicz breached his contract with the District, and that just cause exists to suspend Mr. Potkanowicz's certificate 283305 for a period of one year, commencing on March 14, 2023, and ending on March 13, 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 (2020). "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. Potkanowicz 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 Daniel Potkanowicz for a period of one year, commencing on March 14, 2023, and ending on March 13, 2024.

If Mr. Potkanowicz 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

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reinstatement. Mr. Potkanowicz shall also pay the applicable reinstatement fee. The suspension of Mr. Potkanowicz's educator certificate 283305 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, 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 State Board of Education

s/Crystal F. Stapleton, Ed.D.

Crystal F. Stapleton, Chair

Columbia, South Carolina

March 14, 2023