

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
John Maxwell Sullens
Certificate 317718

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 13, 2024. On November 1, 2023, the South Carolina Department of Education (SCDE) sent John Maxwell Sullens 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. Sullens' address and the letter sent via regular mail has not been returned. On December 15, 2023, the SCDE informed Mr. Sullen via regular mail that the State Board would meet on February 13, 2024, 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. Sullens 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. Sullens' educator certificate for a period of one year, commencing February 13, 2024, and ending on February 12, 2025.

FINDINGS OF FACT

This case concerns a formal complaint from Spartanburg School District Five (District) seeking the suspension of the educator certificate of Mr. Sullens 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 August 23, 2023, Mr. Sullens signed a contractual agreement with the District to serve as a teacher for the 2023-24 school year. On September 21, 2023, Mr. Sullens submitted his resignation to the District, effective October 4, 2023. He did not provide a reason for his resignation. On September 21, 2023, the District informed Mr. Sullens he would not be released from his contract until a suitable replacement is found. He did not

return to the District after September 22, 2023. The District Board voted to report Mr. Sullens' breach of contract to the SCDE on October 23, 2023. The District reported the matter to the SCDE on October 31, 2023.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Mr. Sullens breached his contract with the District, and that just cause exists to suspend Mr. Sullens' certificate 317718 for a period of one year, commencing on February 13, 2024, and ending on February 12, 2025.

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. Sullens 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 John Maxwell Sullens for a period of one year, commencing on February 13, 2024, and ending on February 12, 2025.

If Mr. Sullens 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. Sullens shall also pay the applicable reinstatement fee. The suspension of Mr. Sullens' educator certificate 317718 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/David C. O'Shields
David C. O'Shields, Chair

Columbia, South Carolina
February 13, 2024