

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of)
)
Kate Elizabeth Amato,)
)
)
Certificate 256400)

ORDER OF SUSPENSION

(BREACH OF CONTRACT)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 14, 2016. On April 28, 2016, the South Carolina Department of Education (SCDE) served Kate Elizabeth Amato a notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. Ms. Amato received the notice on May 2, 2016, as evidenced from the signed mail receipt. She has not requested a hearing and is now in default.

After considering the evidence presented, the State Board voted to suspend Ms. Amato’s educator certificate for a period of one year, commencing on June 14, 2016, and ending on June 13, 2017.

FINDINGS OF FACT

This case concerns a formal complaint by the Greenville County School District (District) recommending the suspension of the educator certificate of Kate Elizabeth Amato for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (Rev. 2004) and S.C. Code Ann § 59-25-530 (Rev. 2004).

Ms. Amato holds a South Carolina educator certificate, effective July 1, 2011, and has three years of teaching experience. On July 14, 2015, Ms. Amato signed a Contractual Agreement with the District to serve as a teacher for the 2015-2016 school year. Ms. Amato submitted a letter of resignation, effective immediately, on February 22, 2016. On February 29, 2016, the District Director of Professional Employment informed Ms. Amato that she had engaged in unprofessional conduct by failing to comply with the provisions of her contract without having been duly released from her contract. The District also informed Ms. Amato that a formal complaint would be filed with the State Board.

On March 22, 2016, the District Board of Trustees found that Ms. Amato failed to comply with the provisions of her contract without the written consent of the District Board of Trustees and that her behavior constituted a breach of her employment contract with the District. The District voted to report Ms. Amato's breach of contract to SCDE and the State Board. On April 19, 2016, the District reported this matter to SCDE, requesting that the State Board suspend Ms. Amato's educator certificate.

On April 28, 2016, the SCDE served Ms. Amato with notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. Ms. Amato received the notice on May 2, 2016, as evidenced from the signed mail receipt. She has not requested a hearing and is now in default. After considering the evidence presented, the State Board voted to suspend Ms. Amato's educator certificate for a period of one year, commencing on June 14, 2016, and ending on June 13, 2017.

CONCLUSIONS OF LAW

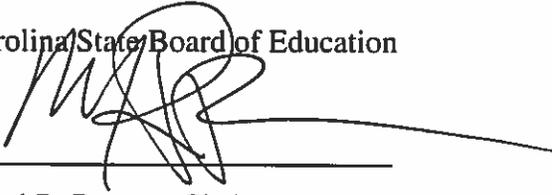
"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (Rev. 2004). Just cause includes, *inter alia*, "willful violation of the rules and regulations of the State Board of Education" and "unprofessional conduct." S.C. Code Ann. § 59-25-160 (3) and (4) (Rev. 2004). Pursuant to S.C. Code Ann. § 59-25-530 (Rev. 2004), "any teacher who fails to comply with the provisions of his contract without the written consent of the school board shall be deemed guilty of unprofessional conduct." 24 S.C. Code Ann. Regs. 43-58 (2) and (14) (2011), provide that the State Board of Education has the legal authority, *inter alia*, to suspend a certificate for "wilful neglect of duty" and "failure to comply with the provisions of a contract without the written consent of the local school board." The State Board finds that the evidence presented demonstrates that Ms. Amato breached her contract and engaged in unprofessional conduct, willfully neglected her duty, and failed to comply with the provisions of her contract without the written consent of the Greenville County School District. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Kate Elizabeth Amato certificate 256400, for a period of one year, commencing on June 14, 2016, and ending on June 13, 2017. If Ms. Amato wishes to have her educator certificate

reinstated at the end of the suspension period, she shall make a written request to the SCDE's Office of Educator Services, and shall meet all certification requirements in effect at the time she requests reinstatement. Ms. Amato shall also pay the applicable reinstatement fee. The suspension of Ms. Amato's educator certificate 256400 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. Brenan, Chair

Columbia, South Carolina
June 14, 2016