

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of) **ORDER OF SUSPENSION**
)
Alicia Marie DiNottia,) **(BREACH OF CONTRACT)**
)
Certificate 272471)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on October 11, 2016. On August 29, 2016, the South Carolina Department of Education (SCDE) served Alicia Marie DiNottia 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. DiNottia received the notice and informed the SCDE on September 19, 2016, that she was living out of state and did not desire a hearing in this matter.

After considering the evidence presented, the State Board voted to suspend Ms. DiNottia's educator certificate for a period of one year, commencing on October 11, 2016, and ending on October 10, 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 Alicia Marie DiNottia 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. DiNottia holds a South Carolina educator certificate and has two years of teaching experience. On April 25, 2016, Ms. DiNottia signed a Contractual Agreement with the District to serve as the ED Neurological Self-Contained Secondary teacher at Fountain Inn Elementary School for the 2016-2017 school year. On July 13, 2016, Ms. DiNottia advised the District that she had accepted a teaching position in New York and submitted her resignation. On July 19, 2016, the District sent a letter to Ms. DiNottia informing her that her resignation did not comply with Board Policy GBO and that her decision to leave her position without proper release was considered a breach of contract and abandonment of her job. The letter also informed Ms.

DiNottia that the District would file a formal complaint with the State Board requesting revocation or suspension of her certification. On August 26, 2016, the District reported this matter to SCDE, requesting that the State Board take disciplinary action on Ms. DiNottia's educator certificate for breach of contract.

On August 29, 2016, the SCDE sent notice to Ms. DiNottia, by regular and certified mail, return receipt requested, delivery restricted to addressee, informing her of her right to a hearing and that the State board would meet to make a determination regarding the possible suspension of her South Carolina educator certificate. Ms. DiNottia received the notice and informed the SCDE on September 19, 2016, that she was living out of state and did not desire a hearing in this matter.

After considering the evidence presented, the State Board voted to suspend Ms. DiNottia's educator certificate for a period of one year, commencing on October 11, 2016, and ending on October 10, 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. DiNottia 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 District. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Alicia Marie DiNottia, certificate 272471, for a period of one year, commencing on October 11, 2016, and ending on October 10, 2017. If Ms. DiNottia 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. DiNottia shall also pay the applicable reinstatement fee. The suspension of Alicia Marie DiNottia's educator certificate 272471 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. Brennan, Chair

Columbia, South Carolina
October 11, 2016