BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	**CONSENT ORDER OF SUSPENSION**
	)	
Natalie Jean Zitek,	)	**(BREACH OF CONTRACT)**
	)	
Certificate 270691	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 11, 2015. On October 23, 2014, the South Carolina Department of Education (SCDE) sent Natalie Jean Zitek 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. On October 29, 2014, Ms. Zitek received the notice as evidenced by a signed postal receipt bearing her signature. Ms. Zitek requested a hearing within the statutorily required period, but later chose to waive her right to a hearing and enter into this Consent Order of Suspension.

After considering the evidence presented, the State Board voted to suspend Ms. Zitek's educator certificate for a period of four months, coinciding with the remainder of the 2014-2015 contract year, commencing on February 11, 2015, and ending on June 10, 2015.

Natalie J. Zitek

Certificate 270697

Initial Here

1/7/15

Date

FINDINGS OF FACT

This case concerns a formal complaint by the Greenville County School District (District) seeking the suspension of the educator certificate of Natalie Jean Zitek 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).

Natalie Jean Zitek received her certificate through the Program for Alternative Certification for Educators (PACE) on August 12, 2014. On August 13, 2014, Ms. Zitek signed a Contractual Agreement with the District for the 2013-2014 school year to work as an instructor at Carolina Academy (also referred to as Carolina High School). This contract represented Ms. Zitek's first year of experience and/or employment as a teacher.

On August 20, 2014, Ms. Zitek sent a letter of resignation to the District stating that she was resigning from the District, citing her concerns that her expectations about teaching in high school had not been "in line with the reality [she] faced in the classroom."

On August 22, 2014, the District sent Ms. Zitek written notice that she was not being released from her contractual obligation because her request for resignation did not meet the guidelines in Board Policy GBO. Board Policy GBO provides that after July 1 of the current school year, a release from contractual obligations would be approved by the Superintendent only for reasons of sickness, change of spouse's residence out of the district, maternity, or other exceptional circumstances, and that no employee would be released until a satisfactory replacement has been obtained or the Superintendent determines that no replacement is necessary. The District also informed Ms. Zitek that a formal complaint may be filed with the State Board requesting disciplinary action upon her certificate.

Thereafter, Ms. Zitek did not return to her position. On September 23, 2014, the District's Board of Trustees voted to recommend the suspension of Ms. Zitek's teaching credentials on the basis of her breach of contract, and the District's administration notified the SCDE via letter dated September 26. 2014.

Ms. Zitek was noticed of and subsequently requested a hearing regarding the suspension of her educator certificate on the grounds of breach of contract; however, prior to the date of the hearing, Ms. Zitek agreed, with the District's approval, to waive her right to a hearing and enter into this Consent Order of Suspension.

After considering the evidence presented, the State Board finds that the evidence presented demonstrates that Ms. Zitek breached her contract with the District, and that just cause exists to suspend Ms. Zitek's educator certificate for a period of four months, coinciding with the remainder of the 2014-2015 contract year, commencing on February 11, 2015, and ending on June 10, 2015.

Natalie J. Zitek

Certificate 270697

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1/7/15

Date

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*, "unprofessional conduct" and "wilful violation of the rules and regulations of the State Board of Education." S.C. Code Ann. § 59-25-160 (3) and (4) (Rev. 2004). Pursuant to 24 S.C.

Code Regs. 43-58 (2) and (14) (2011), 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. Zitek breached 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 Ms. Zitek for a period of four months, coinciding with the remainder of the 2014-2015 contract year, commencing on February 11, 2015, and ending on June 10, 2015.

The suspension of Ms. Zitek's educator certificate 270691 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: _____
Traci Young-Cooper, Chair

Columbia, South Carolina
February 11, 2015

I, Natalie J. Zitek, S.C. Educator Certificate 270691, hereby waive my right to a hearing in this matter. I have read and understood the terms set forth in this Consent Order, and I have been given sufficient time and opportunity to seek legal counsel to assist me in reading and understanding these terms. I agree that the findings of facts and conclusions of law contained in this Consent Order are true. I understand that the terms of this Consent Order, upon execution, are not subject to reconsideration, collateral attack or judicial review. I hereby freely, knowingly and of my own accord, agree to the four month suspension of my educator certificate by the South Carolina State Board of Education. I understand that this Order will be presented to the State Board on February 11, 2015.

_____ 1-7-2015
Natalie J. Zitek Date

Having read and reviewed the terms set forth in this Consent Order, the Greenville County School District, by and through the undersigned representative having full authority to take such action, agrees to the sanctions set forth in this matter for breach of contract.

_____ 1-20-15
Authorized District Representative Date

Lynn P. Gibbs

Position of District Representative