BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	**ORDER OF SUSPENSION**
	)	
Cathleen Ann Geraci,	)	**(BREACH OF CONTRACT)**
	)	
Certificate 239381	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on July 11, 2012. On April 16, 2012, the South Carolina Department of Education (SCDE) sent Cathleen Ann Geraci 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 April 17, 2012, Ms. Garcia received the notice as evidenced by a postal receipt bearing her signature. Ms. Geraci has not requested a hearing concerning this matter and is now in default.

After considering the evidence presented, the State Board voted to suspend Ms. Geraci's educator certificate for a period of one year, commencing on July 11, 2012, and ending on July 10, 2013.

FINDINGS OF FACT

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

Ms. Geraci holds a valid South Carolina educator certificate and has over eleven years of teaching experience. On May 2, 2011, Ms. Geraci signed a Contractual Agreement with the District for the 2011-2012 school year to work as a teacher at Allendale-Fairfax Middle School. On February 6, 2012, Ms. Geraci sent a letter of resignation to the District stating that she was resigning from the District and her last day of employment would be February 17, 2012. The District gave Ms. Geraci written notice that her contract was binding unless she was released by the Allendale County School Board of Trustees during the scheduled meeting on February 27,

2012. The notice from the District also advised Ms. Geraci that she was expected to return to work until the Allendale County School District Board of Trustees had the opportunity to review Ms. Geraci's letter of resignation and make a decision regarding her employment status. The letter also advised Ms. Geraci that if she failed to return to work without having been properly released from her contract, then she would be subject to the Allendale County School District Board pursuing revocation of her teaching license.

On March 8, 2012, the District sent Ms. Geraci a letter advising her that the Allendale County School District Board of Trustees accepted the Superintendent's recommendation and the South Carolina Department of Education would be notified of Ms. Geraci's breach of contract with the District. On March 8, 2012, the District notified the SCDE of Ms. Geraci's breach of contract.

On April 16, 2012, the SCDE sent Ms. Geraci 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 April 17, 2012, Ms. Garcia received the notice as evidenced by a postal receipt bearing her signature. Ms. Geraci has not requested a hearing concerning this matter and is now in default.

After considering the evidence presented, the State Board finds that the evidence presented demonstrates that Ms. Geraci breached her contract with the District, and that just cause exists to suspend Ms. Geraci' educator certificate for a period of one year, commencing on July 11, 2012, and ending on July 10, 2013.

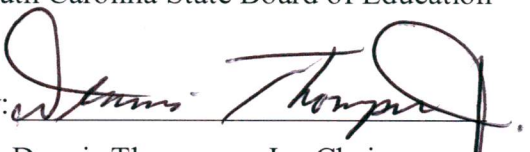
CONCLUSIONS OF LAW

"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 (2004). 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) (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 "willful 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. Geraci 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 Allendale County School District Board of Trustees. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Cathleen Ann Geraci, certificate 239381, for a period of one year, commencing on July 11, 2012, and ending on July 10, 2013. If Ms. Geraci 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 Certification, Recruitment, and Preparation, and shall meet all certification requirements in effect at the time she requests reinstatement. Ms. Geraci shall also pay all applicable reinstatement fees. The suspension of Ms. Geraci' educator certificate 239381 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 for 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

By: 

Dennis Thompson, Jr., Chair

Columbia, South Carolina
July 11, 2012