

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Samantha Frances Rizzo,	)	(BREACH OF CONTRACT)
	)	
Certificate 285882	)	
_____	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 13, 2018. On January 12, 2018, the South Carolina Department of Education (SCDE) sent Samantha Frances Rizzo a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate regarding her alleged breach of contract with the Marion County School District. On January 22, 2018, Ms. Rizzo received the notice as evidenced by proof of service from the U.S. Postal Service. Ms. Rizzo did not request a hearing in this matter and is in default.

After considering the evidence presented, the State Board voted to suspend Ms. Rizzo's educator certificate for a period of one year, commencing March 13, 2018, and ending March 12, 2019.

FINDINGS OF FACT

This case concerns a formal complaint by the Marion County School District (District) seeking the suspension of the educator certificate of Samantha Frances Rizzo 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).

On June 13, 2017, Ms. Rizzo signed an Induction Contract with the District for a 2017-2018 school year teaching position at Johnakin Middle School.

On November 13, 2017, Ms. Rizzo sent a letter to Mrs. Ford, Johnakin Middle School Principal, stating that due to unforeseen family issues, she would have to resign from her position, effective December 20, 2017. On November 14, 2017, the District office acknowledged Ms. Rizzo's resignation. On November 15, 2017, the District notified Ms. Rizzo

that the Board had not approved her resignation and that her separation was deemed a breach of contract. On December 7, 2017, the District reported the breach of contract to the SCDE.

After considering the evidence presented, the State Board voted to suspend Ms. Rizzo's educator certificate for a period of one year, commencing March 13, 2018, and ending March 12, 2019.

CONCLUSIONS OF LAW

"The State 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) (2004). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (Supp. 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."

With respect to breach of contract, "any teacher who fails to comply with the provisions of his [of her] contract without written consent of the school board shall be deemed guilty of unprofessional conduct." S.C. Code Ann. § 59-25-530 (2004). "Upon the 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 Ms. Rizzo breached her contract and engaged in unprofessional conduct, willfully neglected her duty, and failed to comply with the provision of her contract without the written consent of the Marion County Board of Education. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Samantha Frances Rizzo, certificate 285882, for a period of one year, commencing March 13, 2018, and ending March 12, 2019. If Ms. Rizzo 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. Rizzo shall also pay all applicable reinstatement fees. The suspension of Ms. Rizzo's educator certificate 285882 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within

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30 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

By: Dr. Sharon Wall / 
Sharon Wall, Ed.D., Chair

Columbia, South Carolina
March 13, 2018