

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Alia Ursula Schwartz
Certificate 270636

**ORDER OF SUSPENSION
(BREACH OF CONTRACT)**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on December 14, 2021. The South Carolina Department of Education (SCDE) sent Alia Ursula Schwartz a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate based on her breach of contract. Ms. Schwartz timely requested a hearing and such was held on October 6, 2021. On November 23, 2021, the SCDE and Ms. Schwartz received the hearing officer's report and recommendation.

After considering the evidence presented, the State Board voted to suspend Ms. Schwartz's educator certificate for a period of one year, commencing December 14, 2021, and ending on December 13, 2022.

FINDINGS OF FACT

This case concerns a formal complaint of Richland School District One (District) seeking the suspension of the educator certificate of Ms. Schwartz for breach of contract. The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2018) and S.C. Code Ann. § 59-25-530 (2018).

On April 29, 2020, Ms. Schwartz signed a contractual agreement with the District to serve as a teacher for the 2020-21 school year. On June 8, 2020, Ms. Schwartz submitted her resignation to the District. The District notified Ms. Schwartz of the consequences of breaching her contract. It was stated that Ms. Schwartz would not be released from her contract until a suitable replacement was hired. Ms. Schwartz did not report to work on August 17, 2020. The District again informed Ms. Schwartz she was not released from her contract and requested that she report to work by September 7, 2020.

Ms. Schwartz did not request a leave of absence, did not provide medical documentation to support her absence, and did not report to work. On October 13, 2020, the District Board of Commissioners adopted a resolution requesting the State Board take action on Ms. Schwartz's educator certification.

The Hearing Officer found that Ms. Schwartz knew the potential consequences of her action and chose to breach her contract with the District. After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Schwartz breached her contract with the District, and that just cause exists to suspend Ms. Schwartz's certificate 270636 for a period of one year, commencing on December 14, 2021, and ending on December 13, 2022.

CONCLUSIONS OF LAW

"The South Carolina 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) (2018). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2018), the State Board of Education had the legal authority to suspend a certificate for "failure to comply with the provision 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 [or her] contract without written consent of the school board shall be deemed guilty of unprofessional conduct." S. C. Code Ann. § 59-25-530 (2018). "Upon 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 Alia Ursula Schwartz breached her contract without the consent and/or approval of the District. Accordingly, the evidence presented supports the State Board's determination that just cause exists to suspend the educator certificate of Ms. Schwartz for a period of one year, commencing on December 14, 2021, and ending on December 13, 2022.

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If Ms. Schwartz 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. Schwartz shall also pay the applicable reinstatement fee. The suspension of Ms. Schwartz's educator certificate 270636 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, 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

s/Alan Walters

Alan Walters, Chair

Columbia, South Carolina
December 14, 2021