

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Arcielo Amahit Letigio
Certificate 231803

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 9, 2021. On November 17, 2020, the South Carolina Department of Education (SCDE) sent Arcielo Amahit Letigio a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate based on his breach of contract. Mr. Letigio timely requested a hearing and such was held on December 15, 2020. On January 15, 2021, the SCDE and Mr. Letigio received the hearing officer's report and recommendation.

After considering the evidence presented, the State Board voted to suspend Arcielo Amahit Letigio's educator certificate for a period of five months, commencing February 9, 2021, and ending on June 30, 2021.

FINDINGS OF FACT

This case concerns a formal complaint of the Chester County School District (District) seeking the suspension of the educator certificate of Arcielo Amahit Letigio 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 July 9, 2019, Mr. Letigio signed a contractual agreement with the District to serve as a teacher at Great Falls Middle School (Great Falls) for the 2019-2020 school year. On December 6, 2019, Mr. Letigio submitted his resignation to the District, effective December 20, 2019. On December 6, 2019, the District informed Mr. Letigio that he would not be released from his contract. Mr. Letigio acknowledged his understanding of the breach of contract and the possibility of disciplinary action. He did not rescind the

resignation. The District Board voted to report Mr. Letigio's breach of contract to the SCDE on January 27, 2020. The District reported the matter to the SCDE on January 29, 2020.

At the hearing, Mr. Letigio did not deny he breached the contract. Instead, in his prehearing statement, in his testimony, and in his objection, Mr. Letigio asserted that his breach was justified for two reasons: unfair treatment by the Superintendent and allegations that his assigned school was an unsafe workplace. However, the hearing officer found that Mr. Letigio presented no evidence to support that any of these concerns were reported to the District generally or specifically as reasons for Letigio's resignation.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Arcielo Amahit Letigio breached his contract with the District, and that just cause exists to suspend Mr. Letigio's certificate 231803 for a period of five months, commencing on February 9, 2021, and ending on June 30, 2021.

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 Arcielo Amahit Letigio breached his 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 Mr. Letigio for a period of five months, commencing on February 9, 2021, and ending on June 30, 2021.

If Mr. Letigio wishes to have his educator certificate reinstated at the end of the suspension period, he shall make a written request to the SCDE's Office of Educator Services, and shall meet all certification requirements in effect at the time he requests reinstatement. Mr. Letigio shall also pay the applicable reinstatement fee. The suspension of Mr. Letigio's educator certificate 231803 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/Kristi Woodall, Ed.D.

Kristi Woodall, Ed.D., Chair

Columbia, South Carolina
February 9, 2021