

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)

of the Educator Certificate of)

John Joseph Esposito)

Certificate 241843)
_____)

ORDER OF SUSPENSION

(BREACH OF CONTRACT)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on October 8, 2014. On March 19, 2014, and May 8, 2014, the South Carolina Department of Education (SCDE) sent John Joseph Esposito notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate, certificate 241843, by regular and certified mail, return receipt requested, delivery restricted to addressee. Mr. Esposito failed to claim his certified mail. The Greenville County Sheriff's Office personally served Mr. Esposito's spouse with notice on September 16, 2014, as evidenced by the Affidavit of Service signed by Officer Pettit. Mr. Esposito did not request a hearing in this matter and is in default.

After considering the evidence presented, the State Board voted to suspend Mr. Esposito's educator certificate for a period of one year, commencing on October 8, 2014, and ending on October 7, 2015.

FINDINGS OF FACT

The case concerns a formal complaint by the Greenville County School District (District) seeking the suspension of the educator certificate of John Joseph Esposito 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).

Mr. Esposito holds a valid South Carolina educator certificate and has eight years of teaching experience. On April 12, 2013, Mr. Esposito signed a continuing contract with the

District to serve as a teacher at the Early College Program for the 2013-2014 school year. In early January 2014, Mr. Esposito informed the District that he was resigning from his position of Middle School Science Teacher at the Early College Program, effective January 17, 2014.

On January 6, 2014, the Executive Director of Human Resources sent a letter to Mr. Esposito informing him that his resignation failed to meet the guidelines provided within District policy and that the District was not releasing him from his contractual obligations. The letter further informed Mr. Esposito that any professional employee who fails to comply with the provisions of his contract without being duly released from the contract shall be deemed guilty of unprofessional conduct. The District advised Mr. Esposito that he would be considered in breach of contract while abandoning his job if he did not fulfill his contract obligations. On January 7, 2013, Mr. Esposito submitted a letter giving formal notice that he was resigning from his position, effective January 17, 2014. Mr. Esposito accepted a position to teach at Greenville Classical Academy.

On February 25, 2014, the Greenville County Board of Trustees voted to recommend the suspension of Mr. Esposito's certification for breach of contract to the State Board based on Mr. Esposito's failure to comply with the terms of his employment contract with the District.

On March 19, 2014, and May 5, 2014, the SCDE sent Mr. Esposito notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. Mr. Esposito failed to claim his certified mail. The Greenville County Sheriff's Office personally served Mr. Esposito's spouse with notice on September 16, 2014, as evidenced by the Affidavit of Service signed by Officer Pettit. Mr. Esposito did not request a hearing in this matter and is in default. After considering the evidence presented, the State Board finds that the evidence presented

demonstrates that Mr. Esposito engaged in unprofessional conduct and wilfully neglect his duty when he breached his contract with the District, and that just cause exists to suspend Mr. Esposito's educator certificate for a period of one year, commencing on October 8, 2014, and ending on October 7, 2015.

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 2 S.C. Code Regs. 43-58 (2) and (14) (Supp. 2012), the State Board of Education has the legal authority to suspend, *inter alia*, 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 Mr. Esposito breached his contract and engaged in unprofessional conduct, willfully neglected his duty, and failed to comply with the provisions of his contract without the written consent of the District. The evidence presented further supports the State board's determination that just cause exists to suspend the educator certificate of John J. Esposito, certificate 241843, for a period of one year, commencing on October 8, 2014, and ending on October 7, 2015. If Mr. Esposito wishes to have his 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. Esposito shall also be responsible for paying any applicable reinstatement fees. The suspension of Mr. Esposito's educator certificate 241843 shall be reported to the

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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:


Barry F. Bolen, Chair

Columbia, South Carolina
October 8, 2014