

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of)
)
Brittany Jean Tuozzolo (Lenertz),)
)
Certificate 256370)

ORDER OF SUSPENSION

(BREACH OF CONTRACT)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 13, 2017. On April 5, 2017, the South Carolina Department of Education (SCDE) served Brittany Jean Tuozzolo (Lenertz) 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. Ms. Tuozzolo (Lenertz) received the notice on April 17, 2017, as confirmed by the United States Postal Service tracking receipt. Ms. Tuozzolo (Lenertz) has not contacted the SCDE to request a hearing and is now in default. After considering the evidence presented, the State Board voted to suspend Ms. Tuozzolo's (Lenertz's) educator certificate for a period of one year, commencing on June 13, 2017, and ending on June 12, 2018.

FINDINGS OF FACT

This case concerns a formal complaint by the York County School District Three (District) recommending the suspension of the educator certificate of Brittany Jean Tuozzolo (Lenertz) for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2016) and S.C. Code Ann § 59-25-530 (2016).

Ms. Tuozzolo (Lenertz) holds a professional South Carolina educator certificate and has over five years of teaching experience. Ms. Tuozzolo (Lenertz) signed a Contractual Agreement with the District to serve as a teacher for the 2016-2017 school year on August 2, 2016. On January 30, 2017, Ms. Tuozzolo (Lenertz) submitted her resignation to the District, requesting that she be released from her contract effective February 24, 2017. On February 2, 2017, the District notified Ms. Tuozzolo (Lenertz) confirming receipt of her resignation and informing her that she would be released once a suitable replacement had been found. On February 23, 2017,

Ms. Tuozzolo (Lenertz) informed the District that her last day would be March 3, 2017, as she had accepted an unexpected job offer and could no longer wait for a replacement to be found. On March 28, 2017, the District reported Ms. Tuozzolo's (Lenertz's) breach of contract to SCDE and requested that the State Board take disciplinary action on Ms. Tuozzolo's (Lenertz's) educator certificate.

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 (2016). Just cause includes, *inter alia*, "willful violation of the rules and regulations of the State Board of Education" and "unprofessional conduct." S.C. Code Ann. § 59-25-160 (3) and (4) (Supp. 2016). Pursuant to S.C. Code Ann. § 59-25-530 (2016), "any teacher who fails to comply with the provisions of his contract without the written consent of the school board shall be deemed guilty of unprofessional conduct." 24 S.C. Code Ann. Regs. 43-58 (2) and (14) (2016), provide that the State Board of Education has the legal authority, *inter alia*, to suspend a certificate for "wilful 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. Tuozzolo (Lenertz) breached her contract, engaged in unprofessional conduct, and failed to comply with the provisions of her contract without the consent of the District.

The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Brittany Jean Tuozzolo (Lenertz), certificate 256370, for a period of one year, commencing on June 13, 2017, and ending on June 12, 2018. If Ms. Tuozzolo (Lenertz) 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. Tuozzolo (Lenertz) shall also pay the applicable reinstatement fee. The suspension of Brittany Jean Tuozzolo's (Lenertz's) educator certificate 256370 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

(signature page attached)

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: _____


Ivan Randolph, Ph.D., Chair

Columbia, South Carolina
June 13, 2017