

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of)
)
Pamela Jean Maggio,)
)
Certificate 230735)
_____)

CONSENT ORDER OF SUSPENSION

(BREACH OF CONTRACT)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 14, 2018. On March 30, and May 7, 2018, the South Carolina Department of Education (SCDE) sent Pamela Jean Maggio a notice by regular and certified mail, return receipt requested, delivery restricted to addressee. On June 19, 2018, the SCDE sent Ms. Maggio a final notice of her right to a hearing. On June 22, 2018, Ms. Maggio contacted the SCDE, confirmed that she had received notice via United States mail, and agreed to waive her right to a hearing and enter into this Consent Order of Suspension.

After considering the evidence presented, the State Board voted to suspend Ms. Maggio's educator certificate for a period of one year, commencing August 14, 2018, and ending on August 13, 2019.

FINDINGS OF FACT

This case concerns a formal complaint by the Greenville County School District (District) recommending the suspension of the educator certificate of Pamela Jean Maggio for breach of contract. The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2017) and S.C. Code Ann. § 59-25-530 (2017).

Ms. Maggio holds a valid South Carolina educator certificate and has over twelve years of teaching experience. On April 25, 2017, Ms. Maggio signed a contract to continue working for Greenville County School District. On February 20, 2018, she submitted her resignation via email to take effect March 30, 2018. On March 9, 2018, the District informed Ms. Maggio that in accordance with Board policy GBO, a release from employment is only obtained under exceptional circumstances and when a satisfactory replacement has been obtained, and that she was considered to be in breach of her contract. On March 28, 2018, the

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District reported this matter to the SCDE, requesting that the State Board take disciplinary action on Ms. Maggio's educator certificate. Ms. Maggio regrets breaching her contract, but is pleased to be in her new position, working at the Spartanburg County Public Library.

After considering the evidence presented, the State Board finds that the evidence presented demonstrates that Ms. Maggio breached her contract with the District, and that just cause exists to suspend Ms. Maggio's certificate 230735 for a period of one year, commencing August 14, 2018, and ending on August 13, 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) (2017). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (Supp. 2017), 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." The State Board finds that the evidence presented demonstrates that Ms. Maggio breached her contract without the consent and/or approval of the District.

The evidence presented supports the State Board's determination that just cause exists to suspend the educator certificate of Ms. Maggio for a period of one year, commencing on August 14, 2018, and ending on August 13, 2019. If Ms. Maggio 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. Maggio shall also pay the applicable reinstatement fee.

The suspension of Ms. Maggio's educator certificate 230735 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

(signature page attached)

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South Carolina State Board of Education

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

Columbia, South Carolina
August 14, 2018

I, Pamela Jean Maggio, SC Educator Certificate 230735, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator certificate holders and that I have waived my right to a hearing in this matter. I agree that during the period of suspension, I will not serve as a volunteer in any type of educator role or be employed as an educator, paraprofessional, aide, substitute teacher, coach or in any other position in a public school in the State of South Carolina. I understand the terms set forth in this Consent Order of Suspension are not subject to reconsideration, collateral attack or judicial review. I agree to the terms of this Consent Order of Suspension, consisting of three pages, and understand that this Order will be presented to the State Board for approval on August 14, 2018. I understand this Order will not become effective until approved by the State Board and, if not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the State Board to adjudicate this matter.

Pamela J. Maggio
Pamela Jean Maggio

7/31/2018
Date