

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Richard Gianni
Certificate 222775

ORDER OF SUSPENSION

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 11, 2020. On May 29, 2020, the South Carolina Department of Education (SCDE) sent Richard Gianni a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate. On June 16, 2020, Mr. Gianni received the notice and informed the SCDE that he did not wish to request a hearing, and acknowledged that this matter would be presented to the State Board as a default matter.

After considering the evidence presented, the State Board voted to suspend Richard Gianni educator certificate for a period of one year, commencing on August 11, 2020, and ending on August 10, 2021.

FINDINGS OF FACT

Richard Gianni holds a valid South Carolina professional educator certificate and has over thirteen years of experience. Mr. Gianni has no prior record of disciplinary action with the State Board. Mr. Gianni was employed by the Greenville County School District (District) as a teacher at R.P. Dawkins Middle School (School).

On July 29, 2019, Mr. Gianni signed an induction contract to serve as a teacher with the District for the 2019-20 school year, assigned as a Digital Technologies/Keyboarding teacher. On February 26, 2020, the School Principal informed the District Office that Mr. Gianni had failed to report to work for two consecutive, unapproved days, had not communicated with the School, and the School was unable to contact him. On March 4, 2020, the District informed Mr. Gianni via certified mail of the decision to terminate him because of his absences and failure to contact, and that he still possessed certain District electronic and other equipment that must either be returned or the value of which would be deducted from his last paycheck. When the matter was reported to the SCDE on March 12, 2020, the District still had not heard from Mr. Gianni. The

District, during its investigation, discovered that Mr. Gianni had signed a contract for a teaching assignment out of country, beginning in March of 2020, though it is not clear if Mr. Gianni took the position.

Mr. Gianni contacted the SCDE and indicated that he understood the suspension of his educator certificate and would not request a hearing. Mr. Gianni offered no justification for his absence other than he did not clearly recall the time period in question, and he reported that payment had been made on any and all district equipment referenced in the termination letter.

After considering the evidence presented, the State Board voted to accept the Order of Suspension of Richard Gianni's educator certificate for a period of one (1) year commencing on August 11, 2020 and ending on August 10, 2021.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (Rev. 2004); S.C. Code Ann. § 59-25-160 (2016). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (2016); 24 S.C. Code Regs. 43-58 (2016). The State Board finds that the evidence presented demonstrates that Richard Gianni engaged in unprofessional conduct by failing to report to work, failing to notify a supervisor of absence, contracting for an educator position without being released from contract, and willful violations of the District's policies. The State Board further finds that just cause exists for the suspension of Richard Gianni educator certificate for a period of one (1) year commencing on August 11, 2020 and ending on August 10, 2021.

Now, therefore, it is hereby ordered that the educator certificate of Richard Gianni, certificate 222775, is suspended for a period of one (1) year commencing on August 11, 2020 and ending on August 10, 2021.

If Mr. Gianni wishes to have his certificate reinstated at the conclusion of the period of suspension, he shall make a written request to the SCDE's Office of Educator Services. Mr. Gianni shall be responsible for meeting all certification requirements in effect at the time he requests reinstatement and for the payment of any applicable reinstatement fees. The suspension of

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Richard Gianni educator certificate 222775 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.

South Carolina State Board of Education

By: _____
Michael Brennan, Chair

Columbia, South Carolina
August 11, 2020