

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Alisha S. Martini
Certificate 192765

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on January 14, 2020. On October 23, 2019, and December 9, 2019, the South Carolina Department of Education (SCDE) sent Alisha S. Martini a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. Ms. Martini received the notice and confirmed she wishes the case to move forward as a default matter.

After considering the evidence presented, the State Board voted to suspend Ms. Martini's educator certificate for a period of one year, commencing January 14, 2020, and ending January 13, 2021.

FINDINGS OF FACT

This case concerns a formal complaint from the Charleston County School District (District) seeking the suspension of the educator certificate of Ms. Martini 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 May 6, 2019, Ms. Martini signed a contractual agreement with the District to serve as a teacher for 2019-20 school year. On August 26, 2019, Ms. Martini submitted her resignation to the District, effective September 6, 2019. On September 4, 2019, the District informed Ms. Martini she was not released from her signed contract. She was further instructed as to District policy regarding resignations and possible consequences of the breach of contract. On September 26, 2019, the District Board of Trustees upheld the recommendation to report Ms. Martini to the SCDE as a breach of contract.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Martini breached her contract with the District, and that just cause

exists to suspend Ms. Martini's certificate 192765 for a period of one year, commencing on January 14, 2020, and ending on January 13, 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 Ms. Martini breached her 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 Alisha S. Martini for a period of one year, commencing on January 14, 2020, and ending on January 13, 2021.

If Ms. Martini 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. Martini shall also pay the applicable reinstatement fee. The suspension of Ms. Martini's educator certificate 192765 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

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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/Michael Brennan
Michael Brennan, Chair

Columbia, South Carolina
January 14, 2020