

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Christopher Alan Santos
Certificate 290294

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on May 17, 2022. On February 15, 2022, the South Carolina Department of Education (SCDE) sent Christopher Alan Santos a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate. Mr. Santos received the notice on February 22, 2022, as evidenced by signed postal receipt. On March 10, 2022, the SCDE sent Mr. Santos notice that this matter would be presented to the State Board on April 12, 2022, or as soon thereafter as is feasible. He 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 Mr. Santos' educator certificate for a period of one year, commencing May 17, 2022, and ending on May 16, 2023.

FINDINGS OF FACT

This case concerns a formal complaint of School District Five of Lexington and Richland Counties (District) seeking the suspension of the educator certificate of Mr. Santos 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 April 19, 2021, Mr. Santos signed a contractual agreement with the District to serve as an educator for the 2021-22 school year. On November 24, 2021, Mr. Santos submitted his resignation to the District, effective December 7, 2021. On November 29, 2021, the District reminded Mr. Santos of the District policy and informed he was not released from his contract. Mr. Santos acknowledged the policy and stated he would not be returning to work. The District Board voted to report Mr. Santos's breach of contract

to the SCDE on February 7, 2022. The District reported the matter to the SCDE on February 9, 2022.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Mr. Santos breached his contract with the District, and that just cause exists to suspend Mr. Santos' certificate 290294 for a period of one year, commencing on May 17, 2022, and ending on May 16, 2023.

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 Mr. Santos breached his 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 Christopher Alan Santos for a period of one year, commencing on May 17, 2022, and ending on May 16, 2023.

If Mr. Santos wishes to have his educator 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. Santos shall also pay the applicable reinstatement fee. The suspension

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of Mr. Santos' educator certificate 290294 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 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/Alan Walters

Alan Walters, Chair

Columbia, South Carolina

May 17, 2022