

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Elizabeth M. Heintz
Certificate 212418

ORDER OF SUSPENSION

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on October 10, 2023. On December 6, 2022, the South Carolina Department of Education (SCDE) sent a notice via regular and certified mail, return receipt requested, to Elizabeth M. Heintz concerning the pending action against educator certificate 212418. Ms. Heintz thereafter timely requested a hearing, which was held on September 6, 2023. This matter is properly before the State Board pursuant to S.C Code Ann. § 59-25-150 (2020) and referred to a hearing officer pursuant to S.C. Code Ann. 59-5-70 (2020).

After considering the evidence, testimony, and the report and recommendations presented, the State Board voted to suspend Ms. Heintz's certificate 212418, for a period of six months, commencing on October 10, 2023, and ending on April 9, 2024.

FINDINGS OF FACT

This case concerns a formal complaint of Anderson School District Two (District) seeking the suspension of the educator certificate of Ms. Heintz for breach of contract. The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2020) and S.C. Code Ann. § 59-25-530 (2020).

On April 7, 2022, Ms. Heintz signed a contractual agreement with the District to serve as a teacher for the 2022-23 school year. On October 14, 2022, Ms. Heintz submitted her resignation to the District, effective November 22, 2022, citing unavoidable circumstances and financial hardship. On November 14, 2022, Ms. Heintz was notified she would not be released from her contract until a suitable replacement was found. She did not return to fulfill her contract. The District Board voted to report Ms. Heintz's breach of contract to the SCDE on November 14, 2022.

During the hearing, Ms. Heintz did not contest that she breached her contract. She is currently in better circumstances and wishes to return to teaching in South Carolina. The Hearing Officer found Ms. Heintz to be a credible witness who loved teaching and recommended a six month suspension of her educator certification.

After considering the evidence presented, the State Board finds just cause for the suspension of Ms. Heintz's educator certificate for a period of six months, commencing on October 10, 2023, and ending on April 9, 2024.

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) (2020). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2021), the State Board of Education has 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 (2020). "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. Heintz 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 Elizabeth M. Heintz for a period of six months, commencing on October 10, 2023, and ending on April 9, 2024.

Elizabeth M. Heintz, Certificate 212418

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AND IT IS SO ORDERED.

South Carolina Board of Education

s/Crystal F. Stapleton, Ed.D.

Crystal F. Stapleton, Ed.D., Chair

Columbia, South Carolina

October 10, 2023