

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Matthew Diaz
Certificate 259541

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on November 5, 2024. On September 3, 2024, the South Carolina Department of Education (SCDE) sent Matthew Diaz a notice via regular and certified mail of his right to a hearing regarding the possible suspension of his South Carolina educator certificate. Mr. Diaz received the notice on September 19, 2024, as evidenced by a signed postal receipt. The SCDE received correspondence from Mr. Diaz on October 11, 2024, but he did not request a hearing. He is now in default.

After considering the evidence presented, the State Board voted to suspend Mr. Diaz's educator certificate for a period of one year, commencing on November 5, 2024, and ending on November 4, 2025.

FINDINGS OF FACT

This case concerns a formal complaint from Spartanburg School District Five (District) seeking the suspension of the educator certificate of Matthew Diaz 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 March 27, 2024, Mr. Diaz signed a contractual agreement with the District to serve as a teacher for the 2024-2025 school year. On August 26, 2024, Mr. Diaz submitted his resignation to the District, effective immediately, citing family health issues. On August 27, 2024, the District informed Mr. Diaz he would not be released from his contract. He did not return to fulfill his contract. The District Board voted to report Mr. Diaz's breach

of contract to the SCDE on August 26, 2024. The District reported the matter to the SCDE on August 26, 2024.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Mr. Diaz breached his contract with the District, and that just cause exists to suspend Mr. Diaz's certificate 259541 for a period of one year, commencing on November 5, 2024, and ending on November 4, 2025.

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 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 Mr. Diaz 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 Matthew Diaz for a period of one year, commencing on November 5, 2024, and ending on November 4, 2025.

If Mr. Diaz 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. Diaz shall also pay any applicable reinstatement fee. The suspension

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of Mr. Diaz's educator certificate 259541 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/David C. O'Shields
David C. O'Shields, Chair

Columbia, South Carolina
November 5, 2024