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BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Voluntary)
Surrender of the Educator)
Certificate of Michelle Stabach Jensen)
Certificate 261138)

**CONSENT ORDER OF
PERMANENT VOLUNTARY
SURRENDER**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on December 11, 2013. On November 16, 2012, in accordance with S.C. Code Ann. § 1-23-370(c) (2004), § 59-5-10 (2004), and State Board Rule of Governance BBABA, the South Carolina Department of Education (SCDE) requested that the Chair of the State Board summarily suspend the educator certificate of Michelle Stabach Jensen, certificate 261138, as a result of her being arrested on or about November 15, 2012, in Greenville, South Carolina, and being charged with two counts of Disseminating Obscene Material to Person Under Age Eighteen, S.C. Code Ann. § 16-15-345 (Supp. 2011) and two counts of Contributing to the Delinquency of a Minor, S.C. Code Ann. § 16-17-490 (Supp. 2011). The SCDE sent notice to Ms. Jensen on November 19, 2012. On November 21, 2012, Ms. Jensen received the notice as evidenced by a signed postal receipt bearing her signature. On November 30, 2012, Ms. Jensen contacted the SCDE and requested a hearing. Prior to the scheduling of the hearing, counsel for Ms. Jensen informed the SCDE that Ms. Jensen desired to waive her right to a hearing and to enter into a Consent Order of Permanent Voluntary Surrender of her educator certificate 261138, effective December 11, 2013.

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FINDINGS OF FACT

The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2004).

Ms. Jensen holds a professional South Carolina educator certificate and has almost five years of teaching experience. Ms. Jensen was employed by the Greenville County School District (District) as a science teacher at J. L. Mann High School (School). On November 9, 2012, Ms. Jensen resigned from her position with the District, in lieu of termination for professional misconduct.

On or about November 15, 2012, Ms. Jensen was arrested in Greenville, South Carolina, and charged with two counts of Disseminating Obscene Material to Person Under Age Eighteen, S.C. Code Ann. § 16-15-345 (Supp. 2011) and two counts of Contributing to the Delinquency of a Minor, S.C. Code Ann. § 16-17-490 (Supp. 2011). On November 16, 2012, in accordance with S.C. Code Ann. § 1-23-370(c) (2004), § 59-5-10 (2004), and State Board Rule of Governance BBABA, the SCDE requested that the Chair of the State Board summarily suspend Ms. Jensen's educator certificate 261138, as a result of her arrest on November 15, 2012. The arrest was based on allegations that Ms. Jensen sent obscene text messages and photographs of herself to a male student at the School. The SCDE had reason to believe that due to the serious nature of the allegations of misconduct, Ms. Jensen may pose a serious threat to the health, safety and welfare of students that may be under her instruction and that emergency action was required. The Chair suspended Ms. Jensen's educator certificate on November 16, 2012.

On November 19, 2012, the SCDE sent notice to Ms. Jensen. The notice informed Ms. Jensen of the summary suspension and her right to a hearing in this matter. On November 21, 2012, Ms. Jensen received the notice as evidenced by a signed postal receipt bearing her signature. On November 30, 2012, Ms. Jensen contacted the SCDE and requested a hearing. Prior to scheduling the hearing, counsel for Ms. Jensen informed the SCDE that Ms. Jensen desired to waive her right to a hearing and to enter into a Consent Order of Permanent Voluntary Surrender of her educator certificate 261138, effective December 11, 2013. The criminal charges in this matter are still pending.

Ms. Jensen agrees to the permanent surrender of his South Carolina educator certificate 261138 subject to the following conditions: (1) her educator certificate will become permanently invalid and permanently revoked immediately upon the approval by the State Board of the Consent Order of Voluntary Surrender; (2) she has waived her right to a hearing and understands that the terms set forth are not subject to reconsideration, collateral attack or judicial review; and (3) she understands that the permanent surrender of her educator certificate will be reported to all school districts in South Carolina and the NASDTEC Clearinghouse as a permanent voluntary surrender and permanent revocation.

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CONCLUSIONS OF LAW

“The South Carolina Board of Education may, for just cause, revoke or suspend the certificate of any person.” S.C. Code Ann. § 59-25-150 (2004); S.C. Code Ann. § 59-25-160 (2004). Just cause includes, “unprofessional conduct, immorality, conduct involving moral turpitude, and evident unfitness for position for which employed.” S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Regs 43-58 (Supp. 2011). The State Board finds that the evidence presented by the SCDE demonstrates that Ms. Jensen engaged in unprofessional conduct, immorality, conduct involving moral turpitude, and demonstrated evident unfitness for position for which employed as a result of her sending obscene text pictures and photographs of herself to a male student at the School. The evidence presented supports the State Board’s decision to accept the permanent voluntary surrender of educator certificate 261138, issued under the name of Michelle Stabach Jensen, and to permanently revoke and render permanently invalid Ms. Jensen’s educator certificate effective December 11, 2013.

Now, therefore, it is ordered that the Consent Order of Permanent Voluntary Surrender is accepted and the educator certificate of Michelle Stabach Jensen, certificate 261138, is hereby declared permanently invalid and permanently revoked. The permanent voluntary surrender and revocation of the educator certificate of Michelle Stabach Jensen, certificate 261138 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: 
David W. Blackmon, Chair

Columbia, South Carolina
December 11, 2013

Michelle
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I, Michelle Stabach Jensen, S.C. Educator Certificate 261138, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of education certificate holders and that I have waived my right to a hearing in this matter. I understand that the terms set forth in this Consent Agreement are not subject to reconsideration, collateral attack or judicial review; and I hereby freely, knowingly and voluntarily permanently surrender my educator certificate to the South Carolina State Board of Education. I hereby acknowledge that this permanent surrender shall have the same effect as a permanent revocation of my educator certificate. I knowingly forfeit and relinquish all right, title and privilege of holding myself out as an educator and being able to practice as an educator in the public schools in the State of South Carolina. I agree that I will not serve as a volunteer or be employed as an educator, paraprofessional, aide, substitute teacher, band teacher, coach, or in any other position in a public school in the State of South Carolina. I agree to the proposed Consent Order of Permanent Voluntary Surrender, consisting of four pages, and understand that this Order will be presented to the South Carolina State Board of Education on December 11, 2013.

Michelle S. Jensen
Michelle Stabach Jensen

11-22-2013
Date