

**STATE OF SOUTH CAROLINA  
BEFORE THE STATE BOARD OF EDUCATION**

South Carolina Department of )  
Education, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
Jenna Danielle Clay )  
Educator Certificate #260037 )  
 )  
Respondent. )

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**ORDER OF SUSPENSION**

**SUMMARY OF THE CASE**

The South Carolina State Board of Education (State Board) considered this matter on August 9, 2016. The South Carolina Department of Education (SCDE) notified Jenna Danielle Clay (Clay) of her right to a hearing regarding the possible suspension of her South Carolina Educator Certificate via certified letter dated May 21, 2015. Clay requested a hearing and such was provided on July 26, 2016. The hearing concerned Clay's alleged unprofessional conduct in picking up two nineteen year old male students in her automobile at approximately 11 pm, outside the auspices of any school event and escorting them to a deserted park, where the police ultimately found them and in misrepresenting her school position to the police.

After considering the evidence presented, the State Board voted to suspend Clay's educator certificate for a period of five (5) calendar days commencing on August 9, 2016, and ending on August 14, 2016.

### **FINDINGS OF FACT**

This is a matter involving unprofessional conduct in which Clay's actions with two male students outside of school auspices exhibited substantial risks to all involved and had the look of impropriety. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2004) and S.C. Code Ann § 59-25-160 (2004).

Clay holds a valid South Carolina Educator Certificate and was employed by Georgetown High School as a special education teacher from Fall 2012 through May 2015. As a special education teacher, she assisted children with learning disabilities and was frequently called upon to assist with de-escalation of conduct.

On the evening of April 24, 2015, Clay received a call from two nineteen year old male students stating that they were in a dangerous situation and needed her to pick them up. Clay initially requested that they look for someone else to pick them up. However, approximately one hour later, the students called again, having no luck in finding someone else. Clay picked them up at approximately 11 pm, drove them around Georgetown as she counseled them and then parked her car in a local park to continue their discussions. The police spotted the car in the park after closing and came to investigate. The police searched the car and the three occupants. One student was found in possession of a small bottle of liquor. He was issued a citation. During questioning by the police, Clay represented herself as a school paraprofessional. When the police finished their investigation at the scene, Clay was allowed to drive the students home.

The incident was reported by the police to Georgetown High School and Clay opted to resign on May 8, 2015. At the time of the incident Clay had three years of teaching

experience. There is no evidence that Clay engaged in any illegal or inappropriate activity with the students. The evidence shows that Clay had a genuine concern for the safety of these students and engaged in a misguided attempt to extract them from what she perceived to be a dangerous situation. Further, Clay was not aware that the student had alcohol on his person and the students were not drinking in her presence.

Clay acknowledges that she used poor judgment in picking up the students and that her actions had the look of impropriety. At the time, she did not know the risk factors involved in having students in her vehicle. She now knows that there are other resources available to assist the students in dangerous situations.

Clay has a stellar teaching record as a well respected and gifted teacher. She presented eight letters of recommendation from both the Horry and Georgetown School Districts, all testaments to her ability to create a good learning environment and to achieve incredible learning progress in her students.

After considering the evidence presented at the July 26, 2016 hearing, the State Board finds that the evidence presented demonstrates that Ms. Clay engaged in unprofessional conduct and a suspension of her Educator Certificate is warranted. However, the term of her suspension is mitigated by the lack of any illegal or inappropriate conduct on her part, her genuine concern for the students, her lack of experience, and her otherwise stellar teaching record. Accordingly, the Board finds that just cause exists to suspend Clay's Educator Certificate #260037 for a period of five (5) calendar days, commencing on August 9, 2016, and ending on August 14, 2016.

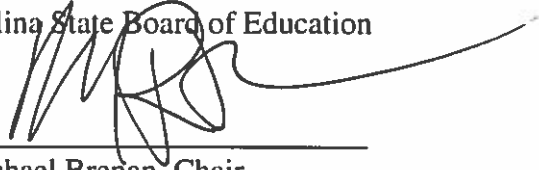
### CONCLUSIONS OF LAW

“The State Board of Education may, for just cause, either revoke or suspend the certificate of any person.” S.C. Code Ann. § 59-25-150 (2004). “Just cause” includes, *inter alia*, “unprofessional conduct.” S.C. Code Ann. § 59-25-160 (4) (2004).

The State Board finds that the evidence presented demonstrates that Clay engaged in unprofessional conduct by picking up two nineteen year old male students in her automobile at approximately 11 pm, outside of the auspices of any school event and escorting them to a deserted park, where the police ultimately found them. She also exhibited unprofessional conduct in misrepresenting her school position to the police. Accordingly, the evidence presented supports the State Board’s determination that just cause exists to suspend the Educator Certificate of Jenna Danielle Clay, Educator Certificate #260037, for a period of five (5) calendar days, commencing on August 9, 2016, and ending on August 14, 2016. If Clay 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 Certification, Recruitment, and Preparation, and shall meet all certification requirements in effect at the time she requests reinstatement. Clay shall also pay all applicable reinstatement fees. The suspension of Clay’s Educator Certificate #260037 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty (30) days from the date of this order with the reason stated as “unprofessional conduct”.

**AND IT IS SO ORDERED.**

South Carolina State Board of Education

By:   
Mr. Michael Brennan, Chair

Columbia, South Carolina  
August 9, 2016