

## BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the )  
 )  
Suspension of the )  
 )  
Educator Certificate of )  
 )  
Kelsey Murphy Niday )  
 )  
Certificate 256472 )

### ORDER OF SUSPENSION

#### SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on November 8, 2016. On September 30, 2016, the South Carolina Department of Education (SCDE) notified Kelsey Murphy Niday of her right to a hearing regarding the possible suspension of her South Carolina Educator Certificate 256472 via certified mail, return receipt, restricted delivery, and regular mail. Ms. Niday received the notice on October 6, 2016, as evidenced by a signed postal receipt bearing her signature. Ms. Niday did not request a hearing and is in default. After considering the evidence presented, the State Board voted to suspend Ms. Niday's educator certificate for a period of one (1) calendar year, commencing on November 8, 2016, and ending on November 7, 2017.

#### FINDINGS OF FACT

Ms. Niday holds a valid South Carolina Educator Certificate and has over three (3) years of teaching experience. She began employment with the Charleston County School District (District) in 2012 and was assigned as a 1<sup>st</sup> grade teacher at A. C. Corcoran Elementary School (School) for the 2015-2016 school year. On December 15, 2015, the District suspended Ms. Niday without pay for two days as a result of her demonstrating a persistent pattern of tardiness and a failure to follow required District administrative procedures. Ms. Niday had previously been counseled and had received warnings and reprimands concerning her numerous absences, her failure to secure a substitute, and her failure to have lesson plans available for the substitute.

On February 17, 2016, District administration sent Ms. Niday a letter informing her that her principal had recommended her termination for violation of CCSD Policy GBE Employee Rights and Responsibilities. The District based this decision on Ms. Niday's poor attendance

and tardiness as well as one instance of attempting to persuade a coworker to alter her sign-in time. Ms. Niday also failed to follow procedures established by her school administration for reporting absences in a timely manner. Prior to Ms. Niday's appeal hearing, the District Superintendent allowed her to resign from the District. Ms. Niday's resignation letter states she was tendering her resignation due to personal health issues, effective February 17, 2016. On March 24, 2016, the District Superintendent reported Ms. Niday's unprofessional conduct to the SCDE. The SCDE initiated an investigation in this matter.

On September 30, 2016, the SCDE notified Ms. Niday of her right to a hearing regarding the possible suspension of her South Carolina Educator Certificate 256472 via certified mail, return receipt, restricted delivery, and regular mail. Ms. Niday received the notice on October 6, 2016, as evidenced by a signed postal receipt bearing her signature. Ms. Niday did not request a hearing and is in default. After considering the evidence presented, the State Board voted to suspend Ms. Niday's educator certificate for a period of one (1) calendar year, commencing on November 8, 2016, and ending on November 7, 2017.

### **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); S.C. Code Ann. § 59-25-160 (2004). Just cause includes unprofessional conduct and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2004). The State Board finds that the evidence presented by the SCDE demonstrates that Ms. Niday engaged in unprofessional conduct and demonstrated unfitness for teaching as a result of her violation of CCSD Policy GBE Employee Rights and Responsibilities, her repeated late arrival to work without following the proper reporting procedures, her absence without making the required arrangements, and her request to a coworker to alter her sign-in time to school. Accordingly, the evidence presented supports the State Board's determination that just cause exists to suspend the educator certificate of Kelsey Murphy Niday, Educator Certificate 256472, for a for a period of one (1) calendar year, commencing on November 8, 2016, and ending on November 7, 2017.

If Ms. Niday 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 Services and shall meet all certification requirements in effect at the time she requests reinstatement. Ms.

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Niday shall also be responsible for the payment of the applicable reinstatement fee. The suspension of Ms. Niday's Educator Certificate 256472 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty (30) days from the date of this order.

**AND IT IS SO ORDERED.**

South Carolina State Board of Education

By: \_\_\_\_\_

Michael R. Brennan, Chair

Columbia, South Carolina  
November 8, 2016