

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Lucy A. Nelson
Certificate 254735

ORDER OF SUMMARY SUSPENSION

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on July 30, 2020. In accordance with S.C. Code Ann. § 1-23-370(c) (2017), § 59-5-10 (2017), 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 Lucy A. Nelson, educator certificate 254735, as a result of her arrest on the felony charge of 1st degree domestic violence, S.C. Code Ann. § 16-25-20(B) (2018).

The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Ms. Nelson may pose a threat to the health, safety, and welfare of students, who may be under her instruction and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Ms. Nelson educator certificate shall be summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Ms. Nelson of the summary suspension, as well as the possible suspension or revocation of her educator certificate.

FINDINGS OF FACT

Ms. Nelson holds a valid South Carolina professional educator certificate and has eight years of educator experience. At the time of her arrest, Ms. Nelson was employed by the Aiken County School District (District).

Ms. Nelson's arrest followed an incident that took place March 3, 2020 where Ms. Nelson left a child support hearing. After leaving the hearing, it is alleged Ms. Nelson attempted to strike her child's father with her car. Ms. Nelson was subsequently arrested on the felony charge of 1st degree domestic violence, S.C. Code Ann. § 16-25-20(B) (2018).

The SCDE has reason to believe that, due to the serious nature of this allegation of misconduct, Ms. Nelson may pose a threat to the health, safety, and welfare of students who may be under her instruction, and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Ms. Nelson educator certificate shall be summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Ms. Nelson of the summary suspension, as well as the possible suspension or revocation of her educator certificate.

CONCLUSIONS OF LAW

“The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person.” S.C. Code Ann. § 59-25-150 (2017); S.C. Code Ann. § 59-25-160 (2017). Just cause includes unprofessional conduct, crime against the law of this State, and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2017); 24 S.C. Code Regs. 43-58 (2017). In accordance with S.C. Code Ann. § 1-23-370(c) (2017), “If the agency finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action.” Pursuant to S.C. Code Ann. § 59-5-10 (2017) and State Board Rule of Governance BBABA, the Chair of the State Board finds that as a result of the allegations of Ms. Nelson unprofessional conduct, crime against the law of this State or the United States, and evident unfitness for the position for which employed, due to her arrest on the felony charge of 1st degree domestic violence, S.C. Code Ann. § 16-25-20(B) (2018), there is reason to believe Ms. Nelson may pose a threat to the health, safety, and welfare of students and emergency action is required.

Accordingly, the educator certificate of Lucy A. Nelson, educator certificate 254735, is summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Ms. Nelson of the summary suspension, as well as the possible suspension or revocation of her educator certificate.

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AND IT IS SO ORDERED.

South Carolina State Board of Education

s/Michael Brennan
Michael R. Brennan, Chair

Columbia, South Carolina
July 30, 2020