

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Jamilla Jenkins Nelson
Certificate 298413

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 8, 2022. On October 11, 2021, the South Carolina Department of Education (SCDE) sent Jamilla Jenkins Nelson a notice via regular and certified mail, return receipt requested, of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. Ms. Nelson received the notice on January 14, 2022, as evidence by signed postal receipt. On January 31, 2022, the SCDE sent Ms. Nelson notice that the action against her certification would be presented to the State Board on March 8, 2022. She has not contacted the SCDE to request a hearing and is now in default.

Considering the evidence presented, the State Board voted to suspend Ms. Nelson's educator certificate for a period of one year, commencing March 8, 2022, and ending on March 7, 2023.

FINDINGS OF FACT

This case concerns a formal complaint of Marion County School District (Marion 10) (District) seeking the suspension of the educator certificate of Ms. Nelson for breach of contract. The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2018) and S.C. Code Ann. § 59-25-530 (2018).

On April 29, 2021, Ms. Nelson signed a contractual agreement with the District to serve as an Educator for Palmetto Middle School for the 2021-22 school year. On June 7, 2021, Ms. Nelson submitted her resignation to the District, effective June 12, 2021. Ms. Nelson informed the District she was taking employment outside education and would not be pursuing another teaching assignment. Ms. Nelson was notified she would not be released from her contract

until a suitable replacement was found. She did not return to fulfill her contract after June 12, 2021. The District Board voted to report Ms. Nelson's breach of contract to the SCDE on August 17, 2021. On September 24, 2021, the District reported the matter to the SCDE.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Nelson breached her contract with the District, and that just cause exists to suspend Ms. Nelson, certificate 298413, for a period of one year, commencing on March 8, 2022, and ending on March 7, 2023.

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) (2018). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2018), the State Board of Education had 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 [or her] contract without written consent of the school board shall be deemed guilty of unprofessional conduct." S. C. Code Ann. § 59-25-530 (2018). "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 Ms. Nelson breached her 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 Jamilla Jenkins Nelson for a period of one year, commencing on March 8, 2022, and ending on March 7, 2023.

If Ms. Nelson 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. Nelson shall also pay the applicable reinstatement fee. The suspension of Ms. Nelson's

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educator certificate 298413 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/Alan Walters

Alan Walters, Chair

Columbia, South Carolina

March 8, 2022