

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Salena Marie Davis
Certificate 171079

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

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on December 12, 2023. On February 7, 2023, the South Carolina Department of Education (SCDE) sent Salena Marie Davis a notice via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate based on her breach of contract. Ms. Davis timely requested a hearing in the matter. Prior to the hearing, Ms. Davis contacted the SCDE and the Greenville County School District (District) to discuss an alternate resolution. Ms. Davis has agreed to waive her right to a hearing and enter into this Consent Order of Suspension.

After considering the evidence presented, the State Board voted to suspend Ms. Davis's educator certificate for a period of one year, retroactively commencing December 19, 2022, and ending December 19, 2023.

FINDINGS OF FACT

This case concerns a formal complaint from the District seeking the suspension of the educator certificate of Ms. Davis for breach of contract. The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2020) and S.C. Code Ann. § 59-25-530 (2020).

On April 4, 2022, Ms. Davis signed a contractual agreement with the District to serve as a teacher for the 2022-23 school year. Ms. Davis submitted her resignation on December 19, 2022, effective immediately, citing family responsibilities. On January 6, 2023, the District informed Ms. Davis that she was not released from her contract. She did not return to fulfil her contract. On January 24, 2023, the District Board of Trustees

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s/SD
Initial
12/4/23
Date

voted to report Ms. Davis's breach of contract to the SCDE. On February 3, 2023, the District reported the matter to the SCDE.

After being notified of the pending action against her educator certificate, Ms. Davis contacted the SCDE to discuss an alternate resolution. Ms. Davis has agreed to the suspension of her educator certificate for a period of one year, retroactively beginning December 19, 2022, and ending December 19, 2023. She has not served in a certified teaching position during this time.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Davis breached her contract with the District, and that just cause exists to suspend Ms. Davis's certificate 171079 for a period of one year, retroactively commencing on December 19, 2022, and ending December 19, 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) (2020). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2021), the State Board of Education has 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 (2020). "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."

The State Board finds that the evidence presented demonstrates that Ms. Davis 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

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s/SD
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to suspend the educator certificate of Salena Marie Davis for a period of one year, commencing on December 19, 2022, and ending on December 19, 2023. If Ms. Davis 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. Davis shall also pay the applicable reinstatement fee. The suspension of Ms. Davis' educator certificate 171079 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/Crystal F. Stapleton, Ed.D.

Crystal F. Stapleton, Ed.D., Chair

Columbia, South Carolina
December 12, 2023

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s/SD
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I, Salena Marie Davis, S.C. Educator Certificate 171079, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator 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 Order of Suspension are not subject to reconsideration, collateral attack, or judicial review. I have read the Consent Order of Suspension, consisting of four pages, and I freely and voluntarily agree to the terms set forth therein. I understand that this Order will be presented to the South Carolina State Board of Education for approval on Tuesday, December 12, 2023. I understand this Consent Order will not become effective until approved by the State Board and, if not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the State Board to adjudicate this matter. If approved by the State Board, I give the SCDE permission to use my electronic signature in the style of “/s/ name” for required website publication.

s/Salena Marie Davis
Salena Marie Davis

12/4/23
Date