

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Discipline	)	
	)	
of the Educator Certificate of	)	ORDER OF DISMISSAL
	)	
Kimberly M. Nesmith	)	(DISCIPLINARY)
	)	
<u>Certificate 222852</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on May 14, 2019. On September 26, 2018, the South Carolina Department of Education (SCDE) sent Kimberly M. Nesmith a notice of her right to a hearing regarding the possible suspension of her South Carolina Educator Certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. Ms. Nesmith timely requested a hearing, and a hearing was held on February 25, 2019.

After considering the evidence presented, the State Board hereby dismisses this action against Ms. Nesmith's educator certificate.

FINDINGS OF FACT

The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2017). Ms. Nesmith holds a valid South Carolina educator certification. This case is a disciplinary matter in which SCDE is requesting action on Ms. Nesmith's educator certificate for unprofessional conduct based upon allegations Ms. Nesmith failed to adequately assess and seek medical attention for a student in her care. She was employed as the principal of Brown's Ferry Elementary School (School) with the Georgetown County School District (District) at the time of the incident.

On June 1, 2018, Ms. Nesmith was the administrator in attendance during an off-campus field trip to an indoor trampoline park in Myrtle Beach, SC. During the trip, a kindergarten student fell and complained of a hurt leg. The student remained on a bench while the other students finished the trip. Hours later, a teacher carried the student to the school nurse immediately upon returning to the school. The student's parent took them to an urgent care facility and learned the student was suffering from a broken femur. On June 25, 2018, the District reported the incident to the SCDE.

The hearing officer found that Ms. Nesmith did not willfully neglect her duty to care for the student and did not violate a rule or regulation of the State Board. Therefore, the State Board hereby dismisses this action.

CONCLUSIONS OF LAW

“The South Carolina Board of Education may, for just cause, revoke or suspend the certificate of any person.” S.C. Code Ann. § 59-25-150 (2018); S.C. Code Ann. § 59-25-160 (2018). Just cause includes unprofessional conduct and crime against the law of this state. S.C. Code Ann. § 59-25-160 (2018). The State Board finds that the evidence presented by the SCDE did not demonstrate that Ms. Nesmith engaged in unprofessional conduct. The State Board finds that the information presented supports its conclusion that just cause exists to dismiss the action against the educator certificate of Kimberly M. Nesmith, certificate 222852.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: 
Del-Gratia Jones, Chair

Columbia, South Carolina
May 14, 2019