

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Amber Nicole Kelley
Certificate 236254

ORDER OF REVOCATION

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 10, 2021. On March 31, 2021, and May 21, 2021, the South Carolina Department of Education (SCDE) sent Amber Nicole Kelley a notice via regular and certified mail of her right to a hearing regarding the possible suspension or revocation of her South Carolina educator certificate. The SCDE has verified Ms. Kelley's address, has received a signed receipt for certified mail, and the letter sent via regular mail has not been returned. On June 17, 2021, Ms. Kelley was sent notice that this matter would be put before the State Board on August 10, 2021, unless she request a hearing. Under the South Carolina Rules of Civil Procedure 5(b), Ms. Kelley has been given fair notice of constitutional due process. Ms. Kelley has not requested a hearing from the SCDE and is now in default.

After considering the evidence presented, the State Board voted to revoke Ms. Kelley's educator certificate 236254, effective August 10, 2021.

FINDINGS OF FACT

Ms. Kelley holds a valid South Carolina professional educator certificate. She has over four years of educator experience and has no prior record of disciplinary action with the State Board. Ms. Kelley was employed by Richland School District Two (District) as Special Education Teacher at Pontiac Elementary School (School).

On March 23, 2020, the District reported to the SCDE that Ms. Kelley resigned from her employment following an investigation into allegations of unprofessional conduct towards a student. On February 27, 2020, the District met with Ms. Kelley concerning allegations she had denied food to a student with special needs. The District placed her on administrative leave effective that same day. During the investigation of the incident, the District received allegations Ms. Kelley had held students' hands and caused students with special needs to strike themselves

as a method of teaching them not to hit others. The District met again with Ms. Kelley on March 16, 2020, and she resigned her position with the District effective that same day.

After considering the evidence presented, the State Board voted to revoke Ms. Kelley's educator certificate 236254, effective August 10, 2021.

CONCLUSIONS OF LAW

"The State Board may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2016). Just cause includes "unprofessional conduct, crime against the law of this State or the United States, and evident unfitness for position for which employed." S.C. Code Ann. § 59-25-160 (2016); 24 S.C. Code Ann. Regs. 43-58 (2016). Accordingly, the evidence presented supports the State Board's determination that just cause exists to revoke the educator certificate of Amber Nicole Kelley, Educator Certificate 236254, effective August 10, 2021.

Ms. Kelley has the right to apply for certification after three years. The successful completion of an updated behavior management course is required prior to her reapplication. Ms. Kelley shall, pursuant to State Board Rule BBCDB, be subject to a character and fitness review before the State Board with employment information during the period of certificate surrender; community service records; letters of support from a current or prospective school district employer, if applicable; letters of support from community leaders; and SLED and FBI background checks. She shall also pay all applicable fees for certification, if any. The revocation of Ms. Kelley's educator certificate shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: s/ Kristi Woodall
Kristi Woodall, Ed.D., Chair

Columbia, South Carolina
August 10, 2021