

**Mandy Brewer
Revocation, Automatic**

The Background:

Prior History: N/A

Facts: On April 27, 2018, Ms. Brewer, a 5th grade teacher at Alexander Elementary, was reported by Jackson-Madison County Schools following her arrest for possession of illegal drugs. On December 2, 2019, Ms. Brewer pleaded guilty to two (2) felony drug offenses pursuant to T.C.A. § 39-17-417, § 39-17-434, and § 39-11-403. As a result of her conviction, she was sentenced to six (6) years of supervised probation, set to end on December 2, 2025. Ms. Brewer was notified by Jackson-Madison County Schools that her contract would not be renewed for the 2018-2019 school year.

Applicable Rule: 0520-02-03-.09(1)(a) defines Conviction as a judgment entered by a court upon a plea of guilty, a plea of nolo contendere, a finding of guilt by a jury or the court notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment. Conviction includes, but is not limited to, a conviction by a federal court or military tribunal, including a court-martial conducted by the armed forces of the United States, and a conviction, whether upon a plea of guilty, a plea of nolo contendere, or a finding of guilt by a jury or the court, in any other state of the United States, other jurisdiction, or other country. Conviction also includes a plea taken in conjunction with § 40-35-313 or its equivalent in any other jurisdiction.

0520-02-03-.09(1)(k) defines Other Good Cause as Conduct that calls into question the fitness of an educator to hold a license including, but not limited to, noncompliance with security guidelines for Tennessee Comprehensive Assessment Program (TCAP) or successor tests pursuant to T.C.A. § 49-1-607, failure to report licensure actions as required under paragraph (2), or violation of any provision in the Teacher Code of Ethics as contained in T.C.A. §§ 49- 5-1001, *et seq.*

0520-02-03-.09(1)(q) defines revocation as The nullification of an educator’s license for a period of at least five (5) years, after which an educator may petition the State Board for reinstatement.

0520-02-03-.09(3)(a) provides The State Board of Education may revoke, suspend, formally reprimand, or refuse to issue or renew an educator’s license for conviction of a felony.

0520-02-03-.09(3)(b) provides The State Board of Education may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for conviction of possession of illegal drugs.

0520-02-03-.09(3)(g) provides The State Board of Education may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for other good cause as defined in subparagraph (1)(k) of this rule.

0520-02-03-.09(3)(h) provides The State Board of Education may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for any offense contained in paragraphs (4) and/or (5) of this rule.

0520-02-03-.09(4)(a)(1) provides The State Board of Education shall automatically revoke, without the right to a hearing, the license of an educator upon receiving verification of the identity of the licensed educator together with a certified copy of a criminal record showing that the licensed educator has been convicted of any the following offenses listed at T.C.A. § 39-17-417, a sexual offense or a violent sexual offense as defined in T.C.A. § 40-39-202, any offense in title 39, chapter 13, T.C.A. § 39-14-301 and T.C.A. § 39-14-302, T.C.A. § 39-14-401 and T.C.A. § 39-14-404, T.C.A. § 39-15-401 and T.C.A. § 39-15-402, T.C.A. § 39-17-1320, or any other offense in title 39, chapter 17, part 13 (including conviction for the same or similar offense in any jurisdiction).

0520-02-03-.09(5)(a)(1) provides Upon receiving notification that an individual has been convicted of a felony, the board may revoke or permanently revoke the convicted individual's educator license.

0520-02-03-.09(5)(a)(8) provides An individual holding an educator's license who is found to have violated the teacher code of ethics shall be subject to a disciplinary action within the range of a suspension for no less than one (1) year up to and including revocation.

T.C.A. § 49-5-417 provides The State Board of Education shall automatically revoke the license of a licensed teacher or administrator without the right to a hearing upon receiving verification of the identity of the teacher or administrator together with a certified copy of a criminal record showing that the teacher or school administrator has been convicted of any offense listed at § 39-13-532, § 39-17-417, or § 40-35-501(i)(2)

T.C.A. § 49-5-1004(b)(9) provides An educator shall not use illegal or unauthorized drugs.

Status: Respondent was notified by certified mail of the Board's intent to **automatically revoke** her educator license based upon these findings. Respondent received said notice.

Board Action Consistency Considerations:

May 2019 – The Board ordered the automatic revocation of an educator's license for a conviction of an offense listed in T.C.A. § 39-17-417

July 2019 – The Board ordered the automatic revocation of an educator’s license for a conviction of an offense listed in T.C.A. § 39-17-417

The Recommendation:

The Board staff recommends the automatic revocation of Respondent’s Tennessee educator license.