

**Brandi Garner
Suspension, 2 years**

The Background:

Prior History: N/A

Facts: On April 21, 2020, Ms. Garner, a teacher at Bedford County Learning Academy, was reported by Bedford County Schools following charges for possession of illegal drugs and contributing to the delinquency of a minor. According to a seventeen (17) year old student, he and Ms. Garner were at her residence smoking marijuana when a deputy showed up looking for the student, who had been reported as a runaway. The student also reported smoking in Ms. Garner's vehicle while on the way to her residence. Ms. Garner denied smoking marijuana with the student. On July 22, 2020, Ms. Garner pleaded guilty to simple possession and contributing to the delinquency of a minor for which she received 11 months and 29 days of probation. Ms. Garner was suspended by Bedford County Schools pending investigation into the matter and ultimately submitted her resignation.

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, 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)(p) defines Suspension as the nullification of an educator's license for a predetermined term, after which the license is reinstated. Reinstatement may be subject to the completion of terms and conditions contained in the order of suspension.

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)(i) 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)(j) 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(5)(a)(8) provides An individual holding an educator's license who is found to have violated the teacher code of ethics contained in T.C.A. Title 49, Chapter 5, Part 10 shall be subject to a disciplinary action within the range of a formal reprimand up to and including revocation.

T.C.A. § 49-5-1003(b)(7) provides An educator shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.

T.C.A. § 49-5-1003(b)(14) provides An educator shall ensure interactions with the student take place in transparent and appropriate settings.

T.C.A. § 49-5-1003(b)(16) provides An educator shall not furnish alcohol or illegal or unauthorized drugs to the student.

T.C.A. § 49-5-1003(b)(19) provides An educator shall maintain a professional approach with the student at all times.

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 **suspend** her educator license based upon these findings. Respondent received said notice.

Board Action Consistency Considerations:

N/A

The Recommendation:

The Board staff recommends that the Board approve the signed Consent Order submitted by the Respondent based upon the facts and applicable rule noted above.