

Kim R. Prout
Suspension, 3 Months Retroactively

The Background:

Prior History: N/A

Facts: In February 2020, Mr. Prout, a high school JROTC teacher, was suspended from Hamilton County Schools for ten (10) days for unprofessionalism on social media. A student made an inappropriate post on Facebook, and Mr. Prout made an unprofessional comment on the post. Mr. Prout did not know it was a student's post at the time of his comments on the post.

Applicable Rule: 0520-02-03-.09(1)(c) defines explicit inappropriate communication as any communication between an educator and a student that describes, represents, or alludes to sexual activity or any other illicit activity.

0520-02-03-.09(1)(d) defines non-explicit inappropriate communication as any communication that is beyond the scope of the educator's professional responsibilities.

0520-02-03-.09(1)(k) defines 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 the nullification of an educator's license for a predetermined term, after which the license is automatically reinstated. Reinstatement may be subject to the completion of terms and conditions in the order of suspension.

0520-02-03-.09(3)(g) provides that the Board 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 that the Board 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)(5)(i) provides that an individual holding an educator's license who is found to have engaged in non-explicit inappropriate communication with a student shall be subject to a disciplinary action within the range of a suspension no less than three (3) months up to and including revocation.

0520-02-03-.09(5)(a)(5)(ii) provides that an individual holding an educator's license who is found to have engaged in inappropriate communication of an explicit nature with a student shall be subject to a permanent revocation.

0520-02-03-.09(5)(a)(8) provides that 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.

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

Board Action Consistency Considerations:

July 2020 – Board formally reprimanded an educator's license for showing a video to his class from when he was on the Maury Povich/Jerry Springer show to determine if he was the father of a child, and the video described a sexual encounter.

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.