

**Joshua Rees**  
**Revocation, Automatic, Permanent**

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**The Background:**

*Prior History:* N/A

*Facts:* Mr. Rees admittedly exchanged nude pictures with a minor seventeen (17) year old student. On September 28, 2021, Mr. Rees pled guilty under judicial diversion to two counts of Sale, Loan, or Exhibition of Material to Minors (T.C.A. 39-17-911) and was sentenced to 11 months 29 days of supervised probation. As a special condition to his guilty plea, Mr. Rees must surrender his teaching license and is not allowed to teach minor children. Due to the nature of the misconduct, Tenn. Code Ann. § 49-5-417(a)(2), § 49-5-413(e), and Board Rule 0520-02-03-.09(4)(a)(2) requires the automatic permanent revocation of Mr. Rees's license.

*Applicable Rule*

*/Law:* Tenn. Code. Ann. § 49-5-417(a)(2), § 49-5-413(e), and Board rule 0520-02-03-.09(4)(a)(2) specify conduct that requires the State Board of Education to automatically revoke or automatically permanently revoke an educator's license.

0520-02-03-.09(1)(d) defines Explicit Inappropriate Communication as any communication between an educator and a student that describes, represents, or alludes to sexual activity or any other illegal activity. This includes, but is not limited to, communication defined as sexual misconduct under T.C.A. § 49-5-417, communication defined as sexually related behavior under T.C.A. § 49-5-1003(b)(15), and communication that would encourage illegal activity such as encouraging the use or purchase of illegal substances. This shall not be construed to prevent an educator from communication regarding sexual or illegal activities for educational purposes such as in teaching family-life curriculum pursuant to T.C.A. §§ 49-6-1307 et seq. or drug abuse resistance education pursuant to T.C.A. § 49-1-402 or to prevent an educator from upholding the educator's obligation as a mandatory reporter of child abuse, neglect, or child sexual abuse.

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)(l) defines "permanent revocation" as the nullification of an educator's license without eligibility for future reinstatement.

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 the 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 the rule.

0520-02-03-.09(5)(a)(5)(ii) provides 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 permanent revocation.

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

**Board Action Consistency Considerations:**

October 2021 – The Board voted to approve the automatic revocation of an educator's license for conduct specified in Tenn. Code. Ann. § 49-5-417(a)(2), § 49-5-413(e), and Board rule 0520-02-03-.09(4)(a)(2).

**The Recommendation:**

The Board staff recommends the automatic and permanent revocation of Respondent's Tennessee educator license.