
Licenses: Formal Reprimand, Denial, Suspension, Revocation and Restoration

The Background:

Formal Reprimand Denial, Suspension or Revocation:

Pursuant to State Board of Education Rule 0520-02-03-.09:

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 felony or offense listed at T.C.A. §§ 40-35-501(i)(2), 39-17-417, a sexual offense or a violent sexual offense as defined in 40-39-202, any offense in title 39, chapter 13, 39-14-301 and 39-14-302, 39-14-401 and 39-14-404, 39-15-401 and 39-15-402, 39-17-1320, or any other offense in title 39, chapter 17, part 13 (including conviction on a plea of guilty or nolo contendere, conviction for the same or similar offense in any jurisdiction, or conviction for the solicitation of, attempt to commit, conspiracy, or acting as an accessory to such offenses).

Also, the State Board of Education may revoke, suspend, reprimand formally or refuse to issue or renew a license for the following reasons:

1. Conviction of a felony,
2. Conviction of possession of narcotics,
3. Being on school premises or at a school-related activity involving students while documented as being under the influence of, possessing or consuming alcohol or illegal drugs,
4. Falsification or alteration of a license or documentation required for licensure,
5. Denial, suspension or revocation of a license or certificate in another jurisdiction for reasons which would justify denial, suspension or revocation under this rule, or
6. Other good cause. Other good cause shall be construed to include noncompliance with security guidelines for TCAP or successor tests pursuant to T.C.A. § 49-1-607, default on a student loan pursuant to T.C.A. § 49-5-108(d)(2) or failure to report under part (e).

For purposes of this part (b), "conviction" includes conviction on a plea of guilty, a plea of nolo contendere or an order granting pre-trial or judicial diversion.

A person whose license has been denied, suspended or revoked may not serve as a volunteer or be employed, directly or indirectly, as an educator, paraprofessional, aide, substitute teacher or in any other position during the period of the denial, suspension or revocation.

Reinstatement:

Pursuant to State Board of Education Rule 0520-02-03-.09(3):

A person whose license has been denied, suspended or revoked under parts (1) or (2) may apply to the Board to have the license issued or restored upon application showing that the cause for denial, suspension or revocation no longer exists and that the person has complied with any terms imposed in the order of denial or revocation. In the case of a felony conviction, before an application will be considered, the person must also show that any sentence imposed, including any pre-trial diversion or probationary period has been completed. Application for such issuance or restoration shall be made to the Office of Teacher Licensing and shall be voted on at a regularly scheduled meeting of the State Board of Education. Nothing in this section is intended to guarantee restoration of a license.

The Fiscal Analysis Impact:

This item has no financial impact on an LEA.

The Recommendations:

Board action is required. Counsel to the Board recommends approval of the attached orders imposing the actions noted below.

- A. Banyard, Spurgeon – Rescind July 2015 Order of Revocation
- B. Bearden, Stacia – Suspension, one (1) year
- C. Elliott, Lisa – Revocation, automatic
- D. Grisham, Kendra – Revocation
- E. Lewis, Michael – Revocation, automatic
- F. McMillan, Charles – Formal Reprimand
- G. Michael, Jeffrey – Suspension, one (1) year, retroactive
- H. Mills, Abby – Formal Reprimand
- I. Murdock, Jeffrey – Suspension, two (2) years
- J. Swope, Cristy – Formal Reprimand

**Spurgeon Banyard
Rescind July Order of Revocation**

The Background:

Facts: In July, the Board revoked Mr. Banyard's license based on a failure to disclose a felony conviction on his license application.

Status: Respondent supplied Board staff with evidence of expunction of the conviction shortly after the July meeting. As the Respondent proved he no longer had a duty to disclose, Respondent did not falsify his application.

The Fiscal Analysis Impact:

This item has no financial impact on an LEA.

The Recommendation:

The basis for the previously recommended revocation was erroneous.

The Board staff review committee recommends rescinding the order of revocation of Respondent's teaching license.

**Stacia Bearden
Suspension, One (1) Year**

The Background:

Allegation: Ms. Bearden resigned from Hamilton County prior to a termination hearing based on a history of unprofessional and insubordinate behavior. Behavior included making comments students found insulting or embarrassing, missing or late to meetings, prior local reprimand for unprofessional conduct.

Status: Respondent was notified by certified mail of the Board's intent to suspend her teaching license based upon these findings, and of her right to a hearing. Respondent received notice but did not request a hearing.

The Fiscal Analysis Impact:

This item has no financial impact on an LEA.

The Recommendation:

Respondent's conduct constitutes grounds for license revocation, suspension, or formal reprimand pursuant to Board Rule 0520-02-03-.09(2)(f).

The Board staff review committee recommends suspending Respondent's teaching license for one (1) year.

**Lisa Elliott
Revocation, Automatic**

The Background:

Allegation: Ms. Elliott was convicted of voluntary manslaughter in Campbell County.

Status: Respondent was notified by certified mail of the Board's intent to suspend her teaching license based upon these findings. As the conviction is subject to automatic revocation, Respondent is not entitled to a hearing.

The Fiscal Analysis Impact:

This item has no financial impact on an LEA.

The Recommendation:

Respondent's conduct constitutes grounds for automatic revocation of her license pursuant to Board Rule 0520-02-03-.09(1).

The Board is required by its Rules to revoke Respondent's teaching license.

**Kendra Grisham
Revocation**

The Background:

Allegation: The Smith County Board of Education brought charges for dismissal against Ms. Grisham. She did not request a hearing. The charges include, but are not limited to, the following allegations: failure to follow direct instructions from a supervisor, damage done to school property, and failure to report certain incidents.

Status: Respondent was notified by certified mail of the Board's intent to suspend her teaching license based upon these findings, and of her right to a hearing. The certified letter was returned unclaimed. The U.S. Postal Service notation that a properly addressed certified letter is "unclaimed" is sufficient evidence of the addressee's refusal to accept service and is sufficient legal notice to the addressee. By refusing delivery of the certified mail, Respondent has waived the right to a hearing.

The Fiscal Analysis Impact:

This item has no financial impact on an LEA.

The Recommendation:

Respondent's conduct constitutes grounds for license revocation, suspension, or formal reprimand pursuant to Board Rule 0520-02-03-.09(2)(f).

The Board staff review committee recommends revocation of Respondent's teaching license.

**Michael Lewis
Revocation, Automatic**

The Background:

Allegation: Mr. Lewis pled guilty to statutory rape in Shelby County.

Status: Respondent was notified by certified mail of the Board's intent to suspend his teaching license based upon these findings. As the conviction is subject to automatic revocation, Respondent is not entitled to a hearing.

The Fiscal Analysis Impact:

This item has no financial impact on an LEA.

The Recommendation:

Respondent's conduct constitutes grounds for automatic revocation of his license pursuant to Board Rule 0520-02-03-.09(1).

The Board is required by its Rules to revoke Respondent's teaching license.

**Charles McMillan
Formal Reprimand**

The Background:

Allegation: Mr. McMillan was suspended from Knox County Schools for allegations of an inappropriate relationship with a student. Knox County has provided evidence of an excessive number of text messages between Respondent and the student.

Status: Respondent was notified by certified mail of the Board's intent to issue a formal reprimand to him based upon these findings, and of his right to a hearing. Respondent received notice but did not request a hearing.

The Fiscal Analysis Impact:

This item has no financial impact on an LEA.

The Recommendation:

Respondent's conduct constitutes grounds for formal reprimand pursuant to Board Rule 0520-02-03-.09(2)(f).

The Board staff review committee recommends issuance of a formal reprimand to Respondent.

**Jeffry Michael
Suspension, One (1) Year**

The Background:

Allegation: Respondent resigned in lieu of termination proceedings regarding the mishandling of IEPs. Allegations and Respondent's explanation are attached.

Status: Respondent was notified by certified mail of the Board's intent to revoke his license based upon these findings, and of his right to a hearing. Respondent received notice but did not request a hearing.

The Fiscal Analysis Impact:

This item has no financial impact on an LEA.

The Recommendation:

Respondent's conduct constitutes grounds for license revocation or suspension pursuant to Board Rule 0520-02-03-.09(2)(f).

The Board staff review committee recommends suspension of Respondent's teaching license for one year, starting on June 1, 2015.

**Abby Mills
Formal Reprimand**

The Background:

Allegation: Ms. Mills allegedly instructed students to change answers on 2014 Spring Achievement test. The local investigation report is attached.

Status: Respondent was notified by certified mail of the Board's intent to take action against her license based upon these findings, and of her right to a hearing. Respondent has requested the right to a hearing, however she has agreed to the proposed action.

The Fiscal Analysis Impact:

This item has no financial impact on an LEA.

The Recommendation:

Respondent's conduct constitutes grounds for formal reprimand pursuant to Board Rule 0520-02-03-.09(2)(f).

The Board staff review committee recommends issuance of a formal reprimand to Respondent.

**Jeffrey Murdock
Suspension, Two (2) Years**

The Background:

Allegation: In 2013, the Respondent resigned from Shelby County schools following allegations of inappropriate communications with a student on social media.

Status: Respondent was notified by certified mail of the Board's intent to suspend his license based upon these findings, and of his right to a hearing. Respondent received notice but did not request a hearing.

The Fiscal Analysis Impact:

This item has no financial impact on an LEA.

The Recommendation:

Respondent's conduct constitutes grounds for license revocation or suspension pursuant to Board Rule 0520-02-03-.09(2)(f).

The Board staff review committee recommends suspension of Respondent's teaching license for two years with reinstatement conditioned on completion of educator boundary training.

**Cristy Swope
Formal Reprimand**

The Background:

Allegation: In 2014, Ms. Swope entered an Alford best interest plea to the misdemeanor solicitation of identity theft relating to approximately \$130 in credit card charges.

Status: Respondent was notified by certified mail of the Board's intent to take action against her license based upon these findings, and of her right to a hearing. Respondent has requested the right to a hearing, however she has agreed to the proposed action. Attached are letters of recommendation from Chester County School system.

The Fiscal Analysis Impact:

This item has no financial impact on an LEA.

The Recommendation:

Respondent's conduct constitutes grounds for denial of issuance of a license pursuant to Board Rule 0520-02-03-.09(2)(f).

The Board staff review committee recommends issuance of a formal reprimand to Respondent.