
Licenses: Denial, Formal Reprimand, Suspension, or Revocation

The Background:

The State Board of Education recently revised its Denial, Formal Reprimand, Suspension, or Revocation Rule. All cases reviewed are acted upon according to the Rule that was in place when the misconduct occurred. Information regarding the State Board's authority to take licensure actions under each version of the rule follows the recommendations.

The Recommendations:

Board action is required. State Board staff recommends approval of the recommended actions noted below.

- A. Jaime Byram – Revocation, Automatic
- B. Christopher Comer – Voluntary Surrender**
- C. Erin Laming – Suspension, 1 year
- D. Bragg Lampkin – Revocation, Automatic, Permanent
- E. Larry Nidiffer – Suspension, 6 months
- F. Charles Patterson – Suspension, 2 years
- G. Michael Pesce – Voluntary Surrender**
- H. Richard Pitcock – Revocation, Automatic*
- I. Alice Polonsky – Suspension, 3 months
- J. Zheng Tu – Voluntary Surrender*
- K. Brad Weir – Revocation, Automatic, Permanent

*Items H and J are subject to the Board Rule filed on January 25, 2016, and expired on September 4, 2017.

**Item B and G is subject to the Emergency Board Rule filed on September 5, 2017, and expired on March 4, 2018.

The following information pertains to cases reviewed based on the previous version of the rule in effect from January 25, 2016 through September 4, 2017.

Pursuant to State Board of Education Rule 0520-02-03.09(2), the State Board of Education may revoke, suspend, reprimand formally, or refuse to issue or renew a license for the following reasons:

- (a) Conviction of a felony;

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- (f) Other good cause. Other good cause shall be construed to include noncompliance with security guidelines for Tennessee Comprehensive Assessment Program (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).

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.

The following information pertains to cases reviewed based on the emergency version of the rule filed on September 5, 2017 and expired on March 4, 2018.

Part (1) Definitions –

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- (k) Other Good Cause – 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 under parts (3) or (4), or violation of any provision of the Teacher Code of Ethics as contained in T.C.A. § 49-5-1003.

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Part (3) the State Board of Education may revoke, suspend, formally reprimand, or refuse to issue or renew an educator’s license for the following reasons:

- (a) Conviction of a felony;

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- (g) Other good cause as defined in section (1)(k) of this rule; or

- (h) Any offense contained in parts (4) and/or (5) of this rule.

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Part (4) Automatic Revocation and Suspension –

- (a) Automatic Revocation of License – 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 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 for the same or similar

Unprofessionalism — Inappropriate Use of School Property								
Possession/Use - Off School Premises/Property w/o Children Present During School Related Activity								
Possession/Use - Off School Premises/Property w/ Children								
Possession/Use - On School Premises/Property w/o Children								
Possession/Use - On School Premises/Property w/ Children								
Major Testing Breach								
Violation of Teacher Code of Ethics								
Negligence w/ Harm or Potential Harm to a Student								
Inappropriate Disciplinary Measures								
Inappropriate Physical Contact with Harm								
Felony Conviction								
Falsification of Licensure Documentation								
Unprofessionalism - Inappropriate Communication (Explicit)								

The following information pertains to cases reviewed based on the version of the rule filed on March 5, 2018.

Part (1) Definitions –

- (a) Conviction – Means 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.

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- (k) Other Good Cause – 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 under parts (3) or (4), or violation of any provision of the Teacher Code of Ethics as contained in T.C.A. § 49-5-1003.

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Part (3) The State Board of Education may revoke, suspend, formally reprimand, or refuse to issue or renew an educator’s license for the following reasons:

- (a) Conviction of a felony;

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- (e) Inappropriate physical contact with a student;

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- (g) Other good cause as defined in section (1)(k) of this rule; or

- (h) Any offense contained in part (4) of this rule.

Part (4) Automatic Revocation and Suspension –

- (a) Automatic Revocation of License – The State Board of Education shall automatically revoke, without the right to a hearing, the license of an educator for the following:

1. 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).

Part (5) Disciplinary Actions -

- (a) For the following categories of offenses, the State Board of Education shall impose uniform disciplinary action as detailed below:

1. Conviction of a felony

Inappropriate Physical Contact w/o Harm								
Unprofessionalism — Inappropriate Communication (Non-Explicit)								
Unprofessionalism — Inappropriate Use of School Property								
Possession/Use - Off School Premises/Property w/o Children Present During School Related Activity								
Possession/Use - Off School Premises/Property w/ Children								
Possession/Use - On School Premises/Property w/o Children								
Possession/Use - On School Premises/Property w/ Children								
Major Testing Breach								
Violation of Teacher Code of Ethics								
Negligence w/ Harm or Potential Harm to a Student								
Inappropriate Disciplinary Measures								
Inappropriate Physical Contact with Harm								
Felony Conviction								
Falsification of Licensure Documentation								
Unprofessionalism - Inappropriate Communication (Explicit)								