

Kelly E. Johnston
Suspension, 2 years

The Background:

Prior History: N/A

Facts: Ms. Kelly Johnston was a middle school teacher with the Lebanon Special School District when administrators received information that she was using illegal drugs (marijuana). Ms. Johnston was asked to submit a drug screen on December 12, 2019 which came back positive for marijuana. Ms. Johnston was suspended on December 19, 2019, and informed by the school district that she would likely be recommended to the local board for dismissal of her contract. Ms. Johnston resigned on December 20, 2019.

Applicable Rule: 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)(c) provides that Board may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for being on school premises, at a school related activity involving students, or on official school business, while possessing or consuming alcohol or illegal drugs.

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)(2)(i-ii) provides that an individual holding an educator's license who is found to be in possession of or consuming alcohol, or using illegal substances while on school premises or property when children are or without children present shall be subject to a disciplinary action within the range of suspension for not less than one (1) year up to and including 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.

T.C.A. § 49-5-1004(b)(9) provides that 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:

February 2020 - Board approved the suspension of an individual's license for two years for possession of alcohol on school grounds.

February 2020 - Board approved the retroactive suspension of an individual's license for two years for possession of alcohol on school grounds with students present.

February 2019 - Board approved the suspension of an individual's license for two years with proof of treatment for being under the influence of alcohol on school grounds.

February 2019 - Board approved the suspension of an individual's license for two years with proof of treatment for being under the influence of alcohol on school grounds.

July 2018 - Board approved the suspension of an individual's license for two years with proof of treatment for being under the influence of alcohol on school grounds.

July 2018 - Board approved the suspension of an individual's license for two years with proof of treatment for being under the influence of alcohol on school grounds.

July 2018 - Board approved the suspension of an individual's license for two years with proof of treatment for consuming and being under the influence of alcohol on school grounds.

July 2018 - Board approved the suspension of an individual's license for two years with proof of treatment for being under the influence of alcohol on school grounds and failing a field sobriety test.

April 2018 - Board approved the retroactive suspension of an individual's license for two years for being under the influence of alcohol on school grounds.

January 2018 - Board approved the suspension of an individual's license for two years with proof of treatment for being documented under the influence of alcohol on school grounds.

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.