

**Brandon Sizemore  
Voluntary Surrender**

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**The Background:**

*Prior History:* N/A

*Facts:* On April 17, 2019, an Order of Judgment was entered against Mr. Sizemore after he pleaded guilty to contributing to delinquency of a minor (misdemeanor), pursuant to Tenn. Code Ann. § 37-1-156. He was given judicial diversion and probation for one year for communicating with a former student, a minor, on Facebook. Specifically, Mr. Sizemore asked the student to send pictures of herself in a bathing suit and to take her pajamas off.

*Applicable Rule:* 0520-02-03-.09(1)(a) defines Conviction as a judgment entered by a court upon a plea of guilty, a plea of nolo contendere (no contest), a finding of guilty by a jury or the court notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment.

0520-02-03-.09(1)(d) defines non-explicit inappropriate communication as any communication between an educator and a student that is beyond the scope of the educator's professional responsibilities. Examples of such non-explicit inappropriate communication include, but are not limited to . . . those that attempt to establish an appropriate relationship with a student . . . .

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)(l) defines Revocation as the nullification of an educator's license for a period of at least five (5) years, after which an educator may petition the State Board for restoration.

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 suspension for no less than three (3) months 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.

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

**Board Action Consistency Considerations:**

February 2020 – Board approved the voluntary surrender of an individual's license after the individual pled guilty to misdemeanor solicitation of a minor-aggravated statutory rape. The surrender lasts for a period of five (5) years at which point the individual can apply for restoration at the Board's discretion.

**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.