

**Jessica Tomberlin
Formal Reprimand**

The Background:

Prior History: N/A

Facts: Ms. Tomberlin is a high school teacher at Cumberland County Schools. She received a call from her son's school stating that her son had a bloody nose and needed a change of clothes. Ms. Tomberlin supervised the yearbook production for the school, and one of her students from yearbook volunteered to pick up clothes and take them to her son's school so that Ms. Tomberlin did not have to get a substitute for her last two classes of the school day. Two yearbook students left the high school to pick up clothes and drop them off at Ms. Tomberlin's son's elementary school, and then they returned to the high school. Yearbook students are allowed to leave campus for yearbook related activities. Ms. Tomberlin was suspended for 2 days without pay.

Applicable Rule: 0520-02-03-.09(1)(b) defines Formal Reprimand as a less harsh licensing action than the suspension, revocation or denial of a license, which admonishes an educator for certain conduct under this rule. An educator who has been reprimanded by the Board will receive a letter from the State Board of Education, which will become part of the educator's state and local board, indicating that the inappropriate conduct is discouraged and shall be subject to further disciplinary action if repeated.

0520-02-03-.09(1)(i) defines negligence as failure to exercise the care toward others that a reasonable or prudent person would exercise under the circumstances or taking action that a reasonable person would not.

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(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 paragraph (5) of this rule.

0520-02-03-.09(5)(a)(3)(i) provides that an individual holding an educator's license who is found to be negligent in his or her commission of duties as an educator in such a manner

that does not result in harm to a child shall be subject to a disciplinary action within the range of a letter of formal reprimand up to and including a two (2) year suspension.

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 **formally reprimand** her educator license based upon these findings. Respondent received said notice.

Board Action Consistency Considerations:

May 2019 – Board formally reprimanded an educator's license for allowing culinary arts students leave school grounds and drive in her car to pick up culinary arts supplies.

The Recommendation:

The Board staff recommends that the Board approve the signed Consent Order submitted by the Respondent for the formal reprimand of her license based upon the facts and applicable rule noted above.