

John Demerdjian
Suspension, 3 months retroactively

The Background:

Prior History: This matter was presented to the Board in February 2020, and the Board staff recommended a Formal Reprimand. However, this matter was removed from the February 2020 agenda due to the Board voting for harsher action: a three (3) month retroactive suspension. Thus, Board counsel made further communication with Mr. Demerdjian.

Facts: On May 28, 2019, Mr. Demerdjian was reported by Cumberland County Schools for negligence in the commission of his duties as an educator. Mr. Demerdjian, a music teacher, allowed a 15-year-old student without a driver's license to drive his personal vehicle from the back of the parking lot to the front of the parking lot. The purpose of moving the vehicle was to more easily load musical instruments into the vehicle for transport to a local repair shop. Without Mr. Demerdjian's permission, the student took the vehicle and drove it briefly onto the local highway prior to returning to the front of the parking lot. Mr. Demerdjian was suspended for five (5) days following the event.

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)(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)(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.

T.C.A. § 49-5-1003(b)(7) provides that an educator shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.

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

Board Action Consistency Considerations:

July 2020 – Board formally reprimanded an educator's license for allowing two yearbook high school students leave school grounds to take clean clothes to the educator's son's school for the educator's son.

May 2019 – Board formally reprimanded an educator's license for allowing culinary arts high school 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 based upon the facts and applicable rule noted above.