

**Billy Ray Duncan
Restoration**

The Background:

Prior History: Mr. Duncan's Tennessee educator license was revoked in July 2018 for inappropriate communication and physical contact with students as a coach. In May 2019, Mr. Duncan applied for restoration of his license. The Board staff recommended that Mr. Duncan's license be restored. However, the Board voted to deny restoration at that time.

Facts: On May 25, 2020, Mr. Duncan applied for the restoration of his Tennessee educator license a second time. The misconduct that lead to the revocation of Mr. Duncan's Tennessee educator license included his referral to a student as a Jew and a Cambodian refugee. Additionally, he shoved a student. These incidents took place in 2016 and early 2017. Since the revocation of his license, Mr. Duncan has taken sensitivity training and anger management classes. He has nine letters of reference in support of the restoration of his license.

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)(q) 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 under paragraph (6)(b). Revocation shall also include the voluntary surrender 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 under paragraph (6)(b).

0520-02-03-.09(3)(e) provides that Board may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for inappropriate physical contact with a student.

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.

Board policy 5.500 – License Restoration

3. **Considerations for Restoring a Revoked License**

- a. The case review committee and/or the Board may consider (but is not limited to) the following in reviewing restoration applications:
 - i. Likelihood of present harm or potential for continuing harm to students, parents of students or school personnel.
 - ii. Details of the offense(s) which led to the disciplinary action:
 1. Terms of any sentence imposed, including probation, community service, etc.;
 2. Amount of time that has passed since the arrest;
 3. The relationship between the offense and the duties and responsibilities of the education profession; and
 4. Likelihood of recurrence (as shown, for example, by lack of remorse or lack of rehabilitative motivation or potential).
 - iii. Attempted concealment of misconduct, including failure to report any criminal charges on an initial license application.
 - iv. Prior misconduct of a similar or related nature (including prior criminal history).
 - v. Compliance with any terms imposed in a voluntary withdrawal of a license application, voluntary surrender of a license or suspension.
 - vi. Rulings on restoration applications under similar circumstances.*
 - vii. Evidence of rehabilitation relevant to the conduct that resulted in disciplinary action, such as:
 1. Completion of any sentence imposed, including probation;
 2. Participation in counseling, self-help support groups, community service;
 3. Gainful employment subsequent to the conduct; and
 4. Family and community support (shown, for example, through affidavits or letters of character from leaders of community or religious organizations).
 - viii. Fitness for practice as an educator:
 1. Continuing education since the discipline was imposed;
 2. Offers of employment for educational positions; and
 3. Letters of recommendation for educational positions.
 - ix. Any other relevant factors.
- b. To assist in deliberations, Board staff shall maintain a list of all restoration requests, along with the following information:
 - i. Grounds for disciplinary action;
 - ii. Time elapsed since denial or revocation;
 - iii. Supporting material provided by applicant; and
 - iv. Whether the application was granted or denied

Status: Respondent was notified by electronic mail on August 3, 2020, of the Board staff's recommendation to grant restoration of his license at the Board's next regularly scheduled meeting.

Board Action Consistency Considerations:

N/A

The Recommendation:

Pursuant to Board Policy 5.500, the Board staff recommends that Educator's license be restored based upon the policy considerations deemed relevant by the Board to show that an educator has been sufficiently rehabilitated to warrant license restoration.