

Joseph Francis
Denial

The Background:

Prior History: N/A

Facts: In 2004, allegations surfaced that Mr. Francis, while teaching in Kentucky, had an inappropriate romantic relationship with a female student. At the time of the allegations, the student was in the tenth grade, and Mr. Francis was twenty-five (25) years old. The relationship began when the student was in ninth grade. Mr. Francis admitted to driving the student home, being alone in his apartment with student, and holding hands, kissing, and hugging the student on numerous occasions. Mr. Francis was an assistant band director, and the student was a member of the band. Mr. Francis agreed to a fifteen (15) year revocation of his Kentucky teaching certificate and the completion of twelve (12) hours of professional development. In 2019, Mr. Francis completed the professional development and revocation period, and his Kentucky teaching certificate was restored, effective December 2, 2019. On May 22, 2020, Mr. Francis applied for a Tennessee educator license based upon his license in Kentucky as an out of state applicant.

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(3)(f) provides that Board may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for the denial, suspension, or revocation of a license or certificate in another jurisdiction for reasons which would justify denial, suspension, or revocation under this rule.

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.

T.C.A. § 49-5-1004(b)(7-9), (11), (14-15), and (19) provides that an educator shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety, make reasonable effort to protect the emotional well-being of the student, not intentionally expose the student to embarrassment or disparagement, not use the educator's professional relationship with the student for private advantage, ensure

interactions with the student take place in transparent and appropriate settings, not engage in any sexually related behavior with students, whether verbal, written, physical or electronic, with or without the student's consent, and maintain a professional approach with the student at all times.

Status: Respondent was notified by certified mail of the Board's intent to **deny his application for a Tennessee educator license** based upon these findings. Respondent was also provided Board policy with respect to requesting permission to speak on his behalf regarding his Tennessee educator license application. Respondent received said notice.

Board Action Consistency Considerations:

N/A

The Recommendation:

The Board staff recommends that Mr. Francis's Tennessee educator license application be denied.