

**Paul Gubala  
Formal Reprimand**

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**The Background:**

*Prior History:* N/A

*Facts:* Mr. Gubala, a middle school teacher, was reported by Shelby County Schools (“SCS”) for two separate incidents involving inappropriate physical contact with a student as defined under Board rule. On September 26, 2019, Mr. Gubala grabbed a student by the arm and directed him towards the back of the classroom when the student refused to move. On January 21, 2020, Mr. Gubala was seen in the hallway grabbing a disruptive student by the arm and clothing. SCS suspended Mr. Gubala for two (2) days as a result of the first incident and suspended him for three (3) days as a result of the second incident.

*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)(e) defines inappropriate physical contact as Unlawful, unnecessary, and/or unjustified physical contact with a student. Examples of such unnecessary and unjustified contact include, but are not limited to sexual contact, physical altercations, horseplay, tickling, improper use of corporal punishment, and rough housing.

0520-02-03-.09(1)(k) defines Other Good Cause as conduct that calls into question the fitness of an educator to hold a license including, but not limited to, noncompliance with security guidelines for Tennessee Comprehensive Assessment Program (TCAP) or successor tests pursuant to T.C.A. § 49-1-607, failure to report licensure actions as required under paragraph (2), or 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)(e) provides that the 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 paragraph (5) of this rule.

0520-02-03-.09(5)(a)(6)(i) provides that an individual holding an educator's license who is found to have engaged in inappropriate physical contact with a student that does not result in harm or potential harm to the student shall be subject to a disciplinary action within the range of a formal reprimand up to and including suspension for two (2) years.

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

**Board Action Consistency Considerations:**

N/A

**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.