

**Richard Tyson
Voluntary Surrender**

The Background:

Prior History: N/A

Facts: On May 10, 2018, Mr. Tyson was found guilty by a jury of two (2) counts of sexual battery (felony) and two (2) counts of solicitation of a minor (felony), in Houston County, Tennessee. This conviction was based on his inappropriate relationship with a fifteen (15) year old high school student while he was forty-five (45) years old. The relationship lasted for several months, and the two texted and engaged in phone sex. They also kissed and touched one another in Mr. Tyson's classroom and a closet at the school. As a result of his conviction, Mr. Tyson was sentenced to two (2) years for each sexual battery count, with nine (9) months to be served and the remaining time to be served as a period of probation. He was also sentenced to probation for three years for each solicitation count. Effectively, Mr. Tyson will be on probation until June 2025. As part of his sentence, Mr. Tyson must register as a sex offender and must engage in sex therapy.

Applicable Rule: 0520-02-03-.09(1)(a) defines Conviction as a judgment entered by a court upon a plea of guilty, a plea of nolo contendere (no contest), a finding of guilty by a jury or the court notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment.

0520-02-03-.09(1)(c) defines explicit inappropriate communication as any communication between an educator and a student that describes, represents, or alludes to sexual activity or any other illicit activity.

0520-02-03-.09(1)(f) defines inappropriate physical contact with harm as unlawful, unnecessary, and/or unjustified physical contact with a student that results in physical or mental harm or the potential of physical or mental harm to a student.

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)(l) defines Permanent Revocation as the nullification of an educator's license without eligibility for future restoration.

0520-02-03-.09(3)(a) provides that the Board may revoke, suspend, formally reprimand or refuse to issue or renew an educator's license for a felony conviction.

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.

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)(1) provides that the upon receiving notification that in individual has been convicted of a felony, the Board may revoke or permanently revoke the convicted individual's educator license.

0520-02-03-.09(5)(a)(5)(ii) provides that an individual holding an educator's license who is found to have engaged in inappropriate communication of an explicit nature with a student shall be subject to permanent revocation.

0520-02-03-.09(5)(a)(6)(ii) provides that an individual holding an educator's license who is found to have engaged in inappropriate physical contact with a student that does result in harm or potential harm to the student shall be subject to a disciplinary action within the range of a two (2) year suspension up to and including permanent revocation.

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)(4-5) provides that an educator shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety, and not intentionally expose the student to embarrassment or disparagement.

Status: Respondent was notified by certified mail of the Board's intent to **permanently revoke** 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.