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**John Scruggs**  
**Revocation, Automatic, Permanent**

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**The Background:**

*Prior History:* N/A

*Facts:* Mr. Scruggs, a high school teacher with Milan Special Schools, was suspended in September 2018 following his arrest for sexual battery by an authority figure. On March 24, 2021, Mr. Scruggs pled guilty to three counts of aggravated statutory rape pursuant to T.C.A. § 39-13-506.

*Applicable Law/*

*Rule:* T.C.A. § 49-5-417(l) requires automatic revocation of an educator’s license for conviction of a felony offense contained in Title 39, Chapter 13.

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, a finding of guilt by a jury or the court notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment. Conviction includes, but is not limited to, a conviction by a federal court or military tribunal, including a court-martial conducted by the armed forces of the United States, and a conviction, whether upon a plea of guilty, a plea of nolo contendere, or a finding of guilt by a jury or the court, in any other state of the United States, other jurisdiction, or other country. Conviction also includes a plea taken in conjunction with Tennessee Code Annotated (“T.C.A.”) § 40-35-313 or its equivalent in any other jurisdiction.

0520-02-03-.09(1)(f) defines Inappropriate Physical Contact as Unlawful and/or unjustified physical contact with a student. Examples of such inappropriate physical 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 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(1)(l) defines Permanent Revocation as The nullification of an educator’s license without eligibility for future restoration. Permanent revocation also includes the voluntary permanent surrender of an educator’s license without eligibility for future restoration.

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

0520-02-03-.09(3)(e) provides that the State Board of Education 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)(i) provides the State Board of Education 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)(j) provides the State Board of Education 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(4)(a)(1)(ix) provides the State Board of Education shall automatically revoke or automatically permanently revoke, without the right to a hearing, the license of an educator upon receiving verification of the identity of the licensed educator together with a certified copy of a criminal record showing that the licensed educator has been convicted of a felony offense in TCA title 39, chapter 13.

0520-02-03-.09(5)(a)(1)(i) provides that upon receiving notification that an individual has been convicted of a felony, the educator shall be subject to disciplinary action within the range of a suspension of not less than two (2) years up to and including permanent revocation of the convicted individual's educator license.

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 results in harm or potential harm to the student shall be subject to a disciplinary action within the range of a suspension for not less than two (2) years up to and including permanent revocation.

0520-02-03-.09(5)(a)(8) provides An individual holding an educator's license who is found to have violated the teacher code of ethics contained in T.C.A. Title 49, Chapter 5, Part 10 shall be subject to a disciplinary action within the range of a formal reprimand up to and including revocation.

T.C.A. § 49-5-1003(b)(1) provides that an educator shall abide by all applicable federal and state laws.

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.

T.C.A. § 49-5-1003(b)(8) provides that an educator shall make reasonable effort to protect the emotional well-being of the student.

T.C.A. § 49-5-1003(b)(9) provides that an educator shall not intentionally expose the student to embarrassment or disparagement.

T.C.A. § 49-5-1003(b)(14) provides that an educator shall ensure interactions with the student take place in transparent and appropriate settings.

T.C.A. § 49-5-1003(b)(15) provides that an educator shall not engage in sexually related behavior with the student...

T.C.A. § 49-5-1003(b)(19) provides that an educator shall maintain a professional approach with the student at all times.

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

**Board Action Consistency Considerations:**

February 2019 – Board approved the automatic, permanent revocation of an individual's license who was convicted of statutory rape.

July 2019 – Board approved the automatic, permanent revocation of an individual's license who was convicted of statutory rape.

November 2019 – Board approved the automatic, permanent revocation of an individual's license who was convicted of aggravated statutory rape.

**The Recommendation:**

The Board staff recommends the automatic, permanent revocation of Respondent's Tennessee educator license.