

**Kelvin Vanderbilt
Revocation, Automatic**

The Background:

Prior History: N/A

Facts: Mr. Vanderbilt, an elementary school teacher with Shelby County Schools, was suspended in August 2020 following his arrest for aggravated assault. On April 13, 2021, Mr. Vanderbilt pled guilty to reckless endangerment with a deadly weapon pursuant to T.C.A. § 39-13-103, a class E felony. Mr. Vanderbilt received 18 months probation ending on October 13, 2022, pursuant to an Order of Judicial Diversion (T.C.A. § 40-35-313).

Applicable Law/

Rule: T.C.A. § 49-5-417 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)(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 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 (7)(b). Revocation also includes 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 (7)(b).

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)(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. Educators whose conviction includes a plea taken in conjunction with T.C.A. § 40-35-313 or its equivalent in any other jurisdiction shall not be subject to automatic permanent revocation.

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.

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

Board Action Consistency Considerations:

October 2018 – Board approved the automatic revocation of an individual's license who was convicted of an offense in title 39, chapter 13.

May 2019 – Board approved the automatic revocation of an individual's license who was convicted of an offense in title 39, chapter 13.

May 2019 – Board approved the automatic revocation of an individual's license who was convicted of an offense in title 39, chapter 13.

The Recommendation:

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