

Clarence Mumford, Sr.
Restoration

The Background:

Prior History: On February 1, 2013, Mr. Mumford pled guilty to multiple counts of fraud and conspiracy regarding his involvement in leading a PRAXIS testing scheme that assisted at least 40 educators in the unauthorized practice of teaching by hiring surrogates to sit for the PRAXIS exams. Mr. Mumford was sentenced to 7 years imprisonment and 3 years supervised probation. On July 26, 2013, the Board ordered the revocation of Mr. Mumford's Tennessee educator license with the ability to apply for restoration after 3 years. Mr. Mumford applied for restoration on August 16, 2019 but was denied due to his ongoing probationary term.

Facts: On March 17, 2021, the Board received Mr. Mumford's application for restoration. As part of his application, Mr. Mumford submitted a personal statement, proof that he has completed the prison sentence imposed and was released early from probation on June 16, 2020. Mr. Mumford also provided letters of recommendation and a certificate of completion of a treatment program. Mr. Mumford has no license action pending in another state.

Applicable Rule: 0520-02-03-.09(3)(a) (3)(d), (3)(i) and (3)(j) provides that the Board may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for conviction of a felony, falsification or altering of a license or documentation required for licensure, other good cause as defined in subparagraph (1)(k) of this rule, or any offense contained in paragraph (5) of this rule.

0520-02-03-.09(7)(b)(1) provides An individual whose license has been revoked under this rule may apply to the State Board to have the license restored upon application showing that the cause for revocation no longer exists and that the person has complied with any terms imposed in the order of revocation. To show the cause no longer exists, the individual shall show cause why the license should be restored despite the misconduct that resulted in the individual's license being revoked. The individual shall provide evidence of rehabilitation and fitness to perform the duties authorized and required by the license sought. In the case of a felony conviction, the individual shall also show that any sentence imposed, including any pre-trial diversion or probationary period, has been completed. Application for such restoration shall be made to State Board counsel.

0520-02-03-.09(7)(b)(3) provides In any deliberation by the Board of Education to restore a license that has been revoked, there shall be a rebuttable presumption that an individual whose license has been revoked is unfit for licensure. Nothing in this rule is intended to guarantee restoration of a license.

0520-02-03-.09(7)(b)(4) provides Restoration of an educator license is considered on a case-by-case basis. The burden of proof rests with the individual applying for restoration of the license. An application for restoration may be denied if an action against the individual's educator license has been taken or is pending in another state.

Board Policy 5.500 License Restoration.

Guidelines for Consideration of License Restoration Applications

Restoration after Denial or Revocation of License:

Board Rule 0520-02-03-.09(3) allows a person whose teaching license was denied or revoked to apply for restoration of that license. Before the application is considered, the applicant must show "that the cause for denial or revocation no longer exists and that the person has complied with any terms imposed in the order of denial or revocation. In the case of a felony conviction, before an application will be considered, the person must also show that any sentence imposed, including any pre-trial diversion or probationary period, has been completed." Applications also may not be considered if an action against a license is pending in another state.

Restoration of a denied or revoked license is discretionary and considered on a case-by-case basis. The burden of proof rests with the applicant. To show that the "cause no longer exists," an applicant must show why the license should be restored despite the misconduct that resulted in the disciplinary action. An applicant must provide evidence of rehabilitation and fitness to perform the duties authorized by the license sought.

When an application for restoration is received from the Office of Educator Licensing and forwarded to Board counsel, a panel of Board staff reviews the application and the file to make a recommendation regarding whether restoration should be granted, or if additional investigation is necessary. This panel consists of the executive or deputy executive director, counsel to the Board, and at least one other staff member. If the panel decides not to recommend restoration of the license, Board counsel will notify the applicant of the Board's intent and the applicant's right to request a hearing.

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The panel of Board staff and/or the Board may consider the following in reviewing restoration applications:

1. Likelihood of present harm or potential for continuing harm to students, parents of students or school personnel.
2. Details of the offense(s) which led to the disciplinary action:
 - a. Terms of any sentence imposed, including probation, community service, etc.;
 - b. Age of the applicant at the time of arrest;
 - c. The relationship between the offense and the duties and responsibilities of the education profession; and
 - d. Likelihood of recurrence (as shown, for example, by lack of remorse or lack or rehabilitative motivation or potential).

3. Attempted concealment of misconduct, including failure to report any criminal charges on an initial license application.
4. Prior misconduct of a similar or related nature (including prior criminal history).
5. Compliance with any terms imposed in a voluntary withdrawal of a license application, voluntary surrender of a license or suspension.
6. Rulings on restoration applications under similar circumstances.*
7. Evidence of rehabilitation relevant to the conduct that resulted in disciplinary action, such as:
 - a. Completion of any sentence imposed, including probation;
 - b. Participation in counseling, self-help support groups, community service;
 - c. Gainful employment subsequent to the conduct; and
 - d. Family and community support (shown, for example, through affidavits or letters of character from leaders of organizations, including religious groups).
8. Fitness for practice as an educator:
 - a. Continuing education since the discipline was imposed;
 - b. Offers of employment for educational positions; and
 - c. Letters of recommendation for educational positions.
9. Any other relevant factors.

* To assist in deliberations, Board staff shall maintain a list of all restoration requests, along with the following information:

- i. Grounds for disciplinary action;
- ii. Time elapsed since denial or revocation;
- iii. Supporting material provided by applicant; and
- iv. Whether the application was granted or denied.

Status: Respondent was notified by electronic mail of the Board’s intent to **restore** his educator license based upon these findings. Respondent received said notice.

Board Action Consistency Considerations:

November 2019 – Board restored an educator’s license after being revoked due to involvement in PRAXIS exam conspiracy. The educator took the PRAXIS exam on behalf of applicants for a Tennessee educator license and pleaded guilty to Conspiracy to Defraud the United States in 2012.

May 2019 - Board restored an educator’s license after being revoked due to involvement in PRAXIS exam conspiracy. The educator paid a surrogate to take the PRAXIS exam, but prior to applying for restoration took and passed the exam on his own.

February 2019 - Board restored an educator’s license after being revoked due to involvement in PRAXIS exam conspiracy. The educator took the PRAXIS exam on behalf of applicants for a Tennessee educator license and pleaded guilty to Conspiracy to Defraud the United States in 2012.

May 2020 – Board restored an individual’s license after being revoked due to involvement in the PRAXIS scheme. The educator paid a surrogate to take the PRAXIS exam, but prior to applying for restoration took and passed the exam on his own.

The Recommendation:

Pursuant to Board Policy 5.500, the Board staff recommends that Educator's license be restored based upon the policy considerations deemed relevant by the Board to show that an educator has been sufficiently rehabilitated to warrant license restoration.