

Matthew Shuler
Suspension, 2 Years

The Background:

Prior History: N/A

Facts: Mr. Shuler, a high school teacher with Sevier County Schools, resigned after the district and law enforcement started an investigation into allegations of having inappropriate communication with students. Specifically, Mr. Shuler texted a student from 8:00 p.m. until midnight. During the conversation, Mr. Shuler talks about getting her out of class the next day so they can go out to eat together. Mr. Shuler tells the student to remember to shower before going to school that day and makes sexually suggestive comments. Other students said Mr. Shuler would say things that made them uncomfortable but never anything really bad.

Applicable Rule: 0520-02-03-.09(1)(d) defines Inappropriate Communication (Non-Explicit) as Any communication between an educator and a student that is beyond the scope of the educator's professional responsibilities. Examples of such non-explicit inappropriate communications include, but are not limited to, those communications that discuss the teaching staff member's or student's past or current romantic relationships; those that include the use of profanities or obscene language; those that are harassing, intimidating, or bullying; those that attempt to establish an inappropriate personal relationship with a student; and those that are related to personal or confidential information regarding another school staff member or 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, 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 under parts (3), (4), or (5), 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)(p) defines Suspension as The nullification of an educator's license for a predetermined term, after which the license is automatically reinstated. Reinstatement may be subject to the completion of terms and conditions contained in the order of suspension.

0520-02-03-.09(3)(g) 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)(h) 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(5)(a)(5)(i) provides that an individual holding an educator's license who is found to have engaged in non-explicit inappropriate communication with a student shall be subject to a disciplinary action within the range of a suspension for no less than three (3) months up to and including 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 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)(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)(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 **suspend** his educator license based upon these findings. Respondent received said notice.

Board Action Consistency Considerations:

October 2014 – The Board approved the suspension of an individual's license for 2 years for sending text messages to a student attempting to establish a relationship.

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.