

**Robert Spickard, Jr.
Suspension, 2 Years**

The Background:

Prior History: N/A

Facts: On December 21, 2020, Mr. Spickard, a teacher at Blackman Middle School, was reported by Rutherford County Schools following allegations that he was under the influence of and in possession of alcohol on school premises. On or about December 17, 2020, between 12:00 p.m. and 1:00 p.m., Mr. Spickard was found on school grounds in his personal vehicle asleep. When approached by the school principal, school nurse, and school resource officer, in his personal vehicle on school grounds, they all smelled alcohol and witnessed a half-emptied bottle of whiskey in Mr. Spickard's personal vehicle with him. The school principal, school nurse and school resource officer also noticed that Mr. Spickard had slurred speech and was unsteady on his feet. Additionally, when asked the time of day, which was almost 1:00 p.m., Mr. Spickard indicated that it was 8:00 a.m. Mr. Spickard was arrested for public intoxication. Mr. Spickard retired.

Applicable Rule: 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)(p) provides that with regard to licensure action by the State Board, suspension means the nullification of an educator's license for a predetermined term, after which the license is reinstated. Reinstatement may be subject to the completion of terms and conditions contained in the order of suspension. With regard to employment action taken by a public or non-public school or school system, suspension means the temporary removal of an educator from his or her regular duties with or without pay. Suspension includes the placement of an educator on administrative leave pending investigation into allegations of misconduct.

0520-02-03-.09(3)(c) provides that Board may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for being on school premises, school property, at a school-related activity involving students, or on official school business, while possessing, consuming, or under the influence of alcohol or illegal drugs.

0520-02-03-.09(3)(i) 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)(j) 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)(2)(ii) provides that an individual holding an educator's license who is found to be in possession of, consuming, or under the influence of alcohol, or illegal substances while on school premises or property without children present shall be subject to a disciplinary action within the range of suspension for not less than one (1) year up to and including revocation.

0520-02-03-.09(5)(a)(2)(iv) provides that an individual holding an educator's license who is found to be in possession of, consuming, or under the influence of alcohol or illegal substances while not on school premises or property, but participating in school related activities without children present, shall be subject to a disciplinary action within the range of suspension for not less than six (6) months up to and including a two (2) year suspension.

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 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)(18) provides that an educator shall refrain from the use of alcohol while on school or LEA premises or during a school activity which students are present.

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:

February 2021 – Board approved the suspension of an individual's license for two years for being under the influence of alcohol on school grounds and being in possession of alcohol on school grounds.

November 2020 - Board approved the suspension of an individual's license for two years for being under the influence of alcohol on school grounds and being in possession of alcohol on school grounds.

July 2020 – Board approved the suspension of an individual's license for two years for being under the influence of alcohol on school grounds and being in possession of alcohol on school grounds.

February 2020 - Board approved the suspension of an individual's license for two years for possession of alcohol on school grounds.

February 2020 - Board approved the retroactive suspension of an individual's license for two years for possession of alcohol on school grounds with students present.

February 2019 - Board approved the suspension of an individual's license for two years with proof of treatment for being under the influence of alcohol on school grounds.

February 2019 - Board approved the suspension of an individual's license for two years with proof of treatment for being under the influence of alcohol on school grounds.

July 2018 - Board approved the suspension of an individual's license for two years with proof of treatment for being under the influence of alcohol on school grounds.

July 2018 - Board approved the suspension of an individual's license for two years with proof of treatment for being under the influence of alcohol on school grounds.

July 2018 - Board approved the suspension of an individual's license for two years with proof of treatment for consuming and being under the influence of alcohol on school grounds.

July 2018 - Board approved the suspension of an individual's license for two years with proof of treatment for being under the influence of alcohol on school grounds and failing a field sobriety test.

April 2018 - Board approved the retroactive suspension of an individual's license for two years for being under the influence of alcohol on school grounds.

January 2018 - Board approved the suspension of an individual's license for two years with proof of treatment for being under the influence of alcohol on school grounds.

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.