

**Robert Warren**  
**Revocation, Automatic, Permanent**

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**The Background:**

*Prior History:* N/A

*Facts:* On February 21, 2010, Mr. Warren, an English/Language Arts and theatre teacher at Hardin Valley Academy, was placed on administrative leave by Knox County Schools after allegations that Mr. Warren had inappropriate physical contact with a student during the fall 2019 semester. Specifically, it was reported that Mr. Warren came into the restroom while a female student was changing clothes and placed his hand on her shoulder and continued to watch the student while she changed clothes. Mr. Warren retired on March 25, 2020. On April 13, 2020, the Department of Children's Services classified the allegations noted above and Mr. Warren as a perpetrator of child abuse or neglect. On or about August 17, 2020, the Department of Children's Services notified Mr. Warren of the substantiation and provided him due process rights. Mr. Warren failed to exercise those rights.

*Applicable Rule:* 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)(g) defines inappropriate physical contact with harm as inappropriate physical contact as described in subparagraph (f) above that results in physical or mental harm.

0520-02-03-.09(1)(k) defines Other 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)(l) defines Permanent Revocation as the nullification of an educator's license without eligibility for future restoration. Permanent revocation shall also include the voluntary permanent surrender of an educator's license without eligibility for future restoration.

0520-02-03-.09(3)(e) provides that the Board may revoke, suspend, formally reprimand or refuse to issue or renew an educator's license for inappropriate physical contact.

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(4)(a)(2) provides that the State Board of Education shall automatically revoke or automatically permanently revoke, without the right to a hearing, the license of an educator for the following upon receiving verification of the identity of the licensed educator together with a report from the Department of Children's Services (DCS) stating that DCS has found the educator to have been a perpetrator of child abuse, severe child abuse, child sexual abuse, or child neglect as stated in T.C.A. § 49-5-413.

0520-02-03-.09(5)(6)(i) provides that an individual holding an educator's license who is found to have engaged in inappropriate physical contact with a student that does not result in harm or potential harm to the student shall be subject to a disciplinary action within the range of a formal reprimand up to and including suspension for two (2) years.

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 does result in harm or potential harm to the student shall be subject to a disciplinary action within the range of a two (2) year suspension up to and including permanent revocation.

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. § 49-5-417(a)(2) provides the State Board of Education shall automatically revoke the license of a licensed teacher or administrator without the right to a hearing upon being identified by the department of children's services, after having exhausted or waived all due process rights available to the licensed teacher or administrator, as having committed child abuse, severe child abuse, child sexual abuse or child neglect.

T.C.A. § 49-5-1003(b)(4) and (b)(15) provides that an educator shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety, and not engage in any sexually related behavior with the student, whether verbal, written, physical, or electronic, with or without the student's consent.

*Status:*

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

**Board Action Consistency Considerations:**

February 2021 – The Board approved the revocation of an individual’s educator license automatically after being identified as a perpetrator of child abuse by the department of children’s services and exhausting due process rights.

**The Recommendation:**

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