

**Kathleen Margrave
Suspension, 2 Years with Proof of Treatment**

The Background:

Prior History: N/A

Facts: On April 26, 2021, Ms. Margrave, a virtual educator with Anderson County Schools, was observed by other educators displaying unusual behavior including crying, speaking in unclear sentences, and unsteady on her feet. Educator showed signs of impairment when administered the Horizontal Gaze Nystagmus (HGN) Field Sobriety Test. Educator was given three breathalyzer/intoximeter tests, all of which she failed. After explaining that Educator failed all tests, Educator admitted to having an alcoholic beverage earlier in the day. Educator also had a cup containing alcohol in her vehicle. On April 29, 2021, Educator resigned her position with Anderson County Schools.

Applicable Rule

/Law: 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)(m) defines School Premises as any real property and/or land owned, leased, managed, controlled, or under the custody of a state or local education agency, school system, or school.

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 may be reinstated. Reinstatement may be subject to the completion of terms and conditions contained in the order of suspension.

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)(i) 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 when children are 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)(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)(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 at which students are present.

T.C.A. 49-5-1004(c)(2) provides that an educator shall conduct themselves in a manner that preserves the dignity and integrity of the education profession.

Status: Respondent was notified by certified mail of the Board's intent to **suspend** her 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.

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.

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The Recommendation:

The Board staff recommends that the Board approve the signed Consent Order submitted by the Respondent based upon the facts and applicable laws and rules noted above.