

Kindelris Johnson
Suspension, 6 Months

The Background:

Prior History: N/A

Facts: Mr. Johnson was an elementary school teacher within Achievement School District who was accused of using corporal punishment against students. Mr. Johnson admitted to the use of corporal punishment against students but indicated that he was unaware that corporal punishment was prohibited. Mr. Johnson elaborated that he recently became licensed in Tennessee in July 2021, and formerly taught in Mississippi where corporal punishment was permissible (M.C.A. § 37-11-57(2)).

While corporal punishment is legal in Tennessee under the School Discipline Act (T.C.A. § 49-6-4101, *et seq.*), local boards of education are required to adopt policies governing the use or prohibition of corporal punishment within their districts. Achievement School District's employee handbook strictly prohibits the use of corporal punishment against students.

Applicable Law

/Rule: T.C.A. § 49-6-4103(a) provides that any teacher or school principal may use corporal punishment in a reasonable manner against any pupil for good cause in order to maintain discipline and order within the public schools.

T.C.A. § 49-6-4104 provides that each local board of education shall adopt rules and regulations it deems necessary to implement and control any form of corporal punishment in the schools in its district.

Achievement School District ("ASD") Policy Number 6.314 provides that corporal punishment shall not be used as a disciplinary measure in any ASD school pursuant to T.C.A. § 49-6-4103.

T.C.A. § 49-5-1003(19) provides that in fulfillment of this obligation to the student, an educator shall maintain a professional approach with the student at all times.

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

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)(h) defines Negligence as a failure to exercise the care toward others that a reasonable or prudent person would exercise under the circumstances or taking action that a reasonable person would not. Examples of such negligence include, but are not limited to, situations that expose students to mental or physical harm or the potential for mental or physical harm such as leaving dangerous items in the classroom or in areas easily accessible to students and leaving students unattended.

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(3)(e) provides that the State Board of Education may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for inappropriate physical contact with a student.

0520-02-03-.09(3)(i) provides that 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)(j) provides that 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)(3)(i) provides that an individual holding an educator's license who is found to be negligent in his or her commission of duties as an educator in such a manner that does not result in harm to a child, but presented the potential for physical or mental harm, shall be subject to a disciplinary action within the range of a letter of formal reprimand up to and including a two (2) year suspension.

0520-02-03-.09(5)(a)(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)(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.

Mississippi Code Annotated ("M.C.A.") § 37-11-57(2) provides, in part, that corporal punishment administered in a reasonable manner, or any reasonable action to maintain control and discipline of students, taken by a public school teacher, assistant teacher, principal or assistant principal acting within the scope of his employment or function and in accordance with any state or federal laws or rules or regulations of the State Board of

Education or the local school board or governing board of a charter school does not constitute negligence or child abuse.

Status: Respondent was notified by certified mail of the Board's intent to suspend his educator license for six (6) months based upon these findings. Respondent received said notice. Respondent agreed to the six (6) month suspension of his license.

Board Action Consistency Considerations:

May 2021 – The Board approved the suspension of an educator's license for a period of three (3) months, retroactive, due to inappropriate physical contact with a student involving the educator smacking books off a student's head and then tauntingly kicking them across the floor. Educator also physically pulled a student out of the classroom who appeared to have refused her command to exit the room.

February 2021 – The Board approved the suspension of an educator's license for a period of six (6) months, retroactive, due to inappropriate physical contact with a student involving the educator carrying a student out of a classroom under her arms then pulling the student back into the classroom by the student's lower legs.

April 2018 – The Board approved the suspension of an educator's license for a period of one (1) year due to inappropriate physical contact with a student involving the educator administering corporal punishment to a pre-kindergarten student when she popped the student in the mouth to redirect behavior.

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 for the suspension of his educator's license.