

**Adrienne Myers
Denial with Stipulation**

The Background:

Prior History: N/A

Facts: On September 21, 2021, Ms. Myers submitted an application as an out-of-state educator for a Tennessee educator license.

However, on September 16, 2020, Ms. Myers's Florida educator's certificate was formally reprimanded and placed on probation. The Education Practices Commission of the State of Florida entered an Order of Reprimand against Ms. Myers Florida educator's certificate, placed her Florida educator's certificate on a two (2) year probation with conditions, and ordered her to complete professional coursework. Board staff received notice of the formal reprimand and probation through the National Association of State Directors of Teacher Education and Certification ("NASDTEC") clearinghouse. Ms. Myers failed to provide proof that she met the terms of Florida's order, including probation and professional coursework. Thus, Ms. Myers's Florida educator's certificate is not currently full and valid, as required under Board Rule 0520-02-03-.03 for prospective educators seeking licensure in Tennessee as an out-of-state prospective educator.

Tennessee Code Annotated § 49-1-302(a)(5)(A) and Board Rule 0520-02-03-.09(8)(a) allow for denial of Ms. Myers' license application.

Applicable Law

/Rule: T.C.A. § 49-1-302(a)(5)(A) provides that the Board has the power to adopt rules and policies governing the qualifications, requirements and standards of and provide the licenses and certificates for all public school teachers, principals, assistant principals, supervisors and directors of schools.

T.C.A. § 49-5-1003(b)(1) provides that educators shall abide by all applicable federal and state laws.

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)(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)(h) provides that the Board may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for a denial, formal reprimand, suspension, or revocation of a license or certificate in another jurisdiction for reasons which would justify denial, formal reprimand, suspension, or revocation under this rule.

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(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 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.

0520-02-03-.09(8)(a) provides if the individual indicates an affirmative answer on the personal affirmation section of the application for a Tennessee educator license, the individual shall show why the license should be issued despite the individual's affirmative answers. Issuance of a license is considered on a case-by-case basis and the burden of proof rests with the individual applying for the license. In the case of a felony conviction, the individual shall also show that any sentence imposed, including any pre-trial diversion or probationary period has been completed. An application for issuance of a license may be denied if an action against the individual's license has been taken or is pending in another state.

0520-02-03-.09(8)(b) provides that there shall be a rebuttable presumption that any individual applying for an educator license who has committed an offense that would subject him or her to revocation or suspension shall be presumed ineligible to receive a Tennessee educator license.

Status: Respondent was notified by certified mail of the Board's intent to deny her educator license application based upon these findings. Respondent was also provided Board policy with respect to requesting permission to speak on her behalf regarding her Tennessee educator license application. Respondent received said notice.

Board Action Consistency Considerations:

May 2022 – The Board approved the denial of a license due to the license being revoked in another state.

October 2021 – The Board approved the denial of a license with the stipulation that the educator complete the all the terms of his probation in another state before reapplying for licensure in Tennessee.

The Recommendation:

The Board staff recommends that Ms. Myers' Tennessee educator licensure application be denied with the stipulation that she complete all terms of probation required by Florida before reapplying for a Tennessee educator license.