
Vicky Lynn Potter
Suspension, Two (2) Years with Professional Development

The Background:

Prior History: N/A

Facts: Ms. Potter was reported by the Clarksville-Montgomery School System for inappropriate physical contact with a special education student. Ms. Potter admitted to holding a non-verbal special education student down with her hand on his back and his legs, while he was face down. She admitted that this lasted a few minutes and then she sat him up. She indicated that she was doing it to attempt to calm the student. Ms. Potter also failed to report an incident that occurred in her classroom where a non-verbal special education student was attacked by another special education student.

Ms. Potter resigned her position with the Clarksville-Montgomery County School System.

Applicable Law

/Rule: T.C.A. § 49-1-302(a)(5)(A)(iv) provides that the Board has the power to adopt rules and policies governing the discipline of licensed personnel for misconduct by formal reprimand or by the suspension and revocation of licenses and certificates.

T.C.A. 49-5-1003(b)(7) provides that in fulfillment of this obligation to the student, an educator shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.

T.C.A. 49-5-1003(b)(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 in fulfillment of this obligation to the profession, 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)(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)(h) defines Negligence as 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 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. 49-5-001, 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 or may refuse to issue a temporary permit for inappropriate physical contact with a student.

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)(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 results in harm or potential harm to the student shall be subject to a disciplinary action within the range of a suspension for not less than two (2) years 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.

Status:

Respondent was notified by certified mail of the Board's intent to suspend Respondent's educator license and require professional development based upon these findings. Respondent received said notice. Respondent agreed to the suspension of Respondent's license and required professional development.

Board Action Consistency Considerations:

Nov. 2020 – The Board voted to approve the two (2) year suspension of an educator’s license for pushing a special education student to the grounds and the educator’s knees were on the student's back. The educator also took the same student to the ground a second time in the same day.

The Recommendation:

The Board staff recommends that the Board approve the signed Consent Order submitted by Respondent for the suspension of Respondent’s license and required professional development based upon the facts and applicable rule noted above.