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Calvin Stewart  
Suspension, Six (6) Months

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**The Background:**

*Prior History:* N/A

*Facts:* Mr. Stewart allegedly possessed alcohol on school property, without students present, and was found to have engaged in other unprofessional behavior with staff during the 2020-2021 and 2021-2022 school years. Mr. Stewart allegedly made a discriminatory remark, on at least one (1) occasion, and likely encouraged staff to participate in unprofessional rituals on school property. Mr. Stewart retired from his teaching position.

*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)(1) provides that educators shall abide by all applicable federal and state laws.

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 “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(3)(c) provides that the State Board of Education may revoke, suspend, or formally reprimand 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 State Board of Education may revoke, suspend, or formally reprimand 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, or formally reprimand 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)(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(5)(e) provides that nothing in this rule shall prohibit the State Board from imposing a disciplinary action outside of the uniform discipline range upon good cause shown in extraordinary circumstances.

*Status:* Respondent was notified by USPS certified mail of the Board's intent to suspend his educator license based upon these findings. Respondent received said notice.

**Board Action Consistency Considerations:**

September 2015 – The Board approved the one (1) year suspension of an educator's license for unprofessional behavior and conduct with co-workers and students.

**The Recommendation:**

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