

Jennifer A. Weir
Suspension, One (1) Year, Retroactive

The Background:

Prior History: N/A

Facts: Ms. Weir was reported by Clarksville-Montgomery County School District for inappropriate physical contact with a student. While attempting to calm a kindergarten special education student, the student wrapped his body around Ms. Weir's lower leg and bit her on her upper calf. While the student was still biting her leg, Ms. Weir reacted and bit the student back on his upper left arm. Immediately after, Ms. Weir self-reported the incident and apologized for her behavior.

Another educator observed the student having an episode and admitted that she should have taken over for Ms. Weir because she was the teacher trained on how to respond to the student, not Ms. Weir.

Ms. Weir's employment with the Clarksville-Montgomery County School System was terminated in response to the incident effective November 23, 2021.

Ms. Weir completed the required professional development in Special Education 101 for Teachers and Positive Behavior Support Training Programs for Teachers.

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)(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)(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 based upon these findings for a period **one (1) year beginning retroactively from the date of termination by the district, November 23, 2021, through November 22, 2022** and require at least two (2) professional development courses in either special education methods, de-escalation methods, student restraint or positioning, or positive behavior supports. Respondent received said notice. Respondent agreed to the suspension of Respondent's license and completed the required professional development.

Board Action Consistency Considerations:

July 2022 – The Board voted to approve the three (3) month suspension and required professional development of an educator’s license for using an inappropriate restraint on a student who was of no harm to herself or others.

May 2022 – The Board voted to approve the six (6) month suspension and required professional development of an educator’s license for mishandling a situation involving a student bound to a wheelchair.

May 2021 – The Board voted to approve the three (3) month retroactive suspension of an educator’s license for inappropriate physical contact with a student.

February 2021 – The Board voted to approve the six (6) month retroactive suspension of an educator’s license for inappropriate physical contact with a student whether the educator pulled a student by the legs/feet/ankles.

November 2019 – The Board approved a three (3) month suspension of an educator’s license for slapping a student on the shoulder to redirect behavior.

The Recommendation:

The Board staff recommends that the Board approve the signed Consent Order submitted by Respondent for the one (1) year retroactive suspension of Respondent’s license based upon the facts and applicable rule noted above.