

**Dr. Krysta Barnes (Sherrill)**  
**Denial**

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**The Background:**

*Prior History:* N/A

*Facts:* On July 25, 2022, Dr. Barnes submitted an application to reactivate her Professional educator license in Tennessee. On September 18, 2022, Dr. Barnes also submitted an application for an Initial Permit or Waiver in Tennessee. On both applications, Dr. Barnes indicated affirmative responses on the Personal Affirmation portions for conviction of a felony and drug possession.

On March 23, 2022, Dr. Barnes was convicted of misdemeanor possession of a Class III controlled substance and sentenced to probation for eleven (11) months and twenty-nine (29) days, through March 23, 2023.

*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. § 49-5-1004(b)(9) provides that educators shall not use illegal or unauthorized drugs.

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)(a) defines “conviction” as a judgment entered by a court upon a plea of guilty, a plea of nolo contendere, a finding of guilt by a jury or the court notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment. Conviction includes, but is not limited to, a conviction by a federal court or military tribunal, including a court-martial conducted by the armed forces of the United States, and a conviction, whether upon a plea of guilty, a plea of nolo contendere, or a finding of guilt by a jury or the court, in any other state of the United States, other jurisdiction, or other country. Conviction also includes a plea taken in conjunction with Tennessee Code Annotated (“T.C.A.”) § 40-35-313 or its equivalent in any other jurisdiction.

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)(b) provides that the State Board of Education may refuse to issue or renew an educator’s license for conviction of possession of illegal drugs.

0520-02-03-.09(3)(i) provides that the State Board of Education may 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 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)(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(6)(a)(1) provides, in part, that an individual indicates an affirmative answer on the personal affirmation section of the application for a permit, the individual shall show cause why the permit should be issued despite the individual’s affirmative answers. Issuance of a permit is considered on a case-by-case basis and the burden of proof rests with the individual applying for the permit.

0520-02-03-.09(6)(a)(2) provides that there shall be a rebuttable presumption that any individual applying for a permit who has committed an offense that would subject him or her to discipline under this rule if the individual had a license, shall be presumed ineligible to receive a permit.

0520-02-03-.09(8)(a) provides that an individual who has been denied an educator license may reapply for a license at any point after denial provided the individual has complied with any terms imposed in the order of denial. 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 pretrial 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 both Respondent's applications for licensure and a temporary permit based upon these findings. Respondent was also provided Board policy with respect to requesting permission to speak on behalf of her Tennessee educator license applications. Respondent received said notice.

**Board Action Consistency Considerations:**

July 2012 – The Board approved the denial of a license due to the applicant being on probation, at the time of the application, for a conviction of possession of a controlled substance.

**The Recommendation:**

The Board staff recommends that the Board deny Respondent's educator license applications based upon the facts and applicable rule noted above.