
**Temetriss Pope
Denial**

The Background:

Prior History: N/A

Facts: On July 20, 2022, Ms. Pope submitted an application for a temporary permit. On her application, Ms. Pope indicated an affirmative response on the Personal Affirmation portion for a felony conviction. In 2013, Ms. Pope was convicted in federal district court of felony theft of government money (over \$800,000) and aggravated identity theft (also a felony). Ms. Pope was sentenced to four (4) years incarceration and another three (3) years of probation. Ms. Pope was released from probation in July 2020, but still owes over \$800,000 in restitution.

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(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 a conviction of a felony.

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)(1)(i) provides that upon receiving notification that an individual has been convicted of a felony, the educator shall be subject to disciplinary action within the range of a suspension of not less than two (2) years up to and including permanent revocation of the convicted individual's educator license.

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.

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

Board Action Consistency Considerations:

July 2018 – The Board approved the denial of a license due to the applicant being convicted of felony bribery and extortion.

The Recommendation:

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