

Todd Vinson
Voluntary Surrender

The Background:

Prior History: On February 10, 2023, the Board approved the three (3) month suspension of Mr. Vinson's license due to allegations he made inappropriate and demeaning comments to a student. He was also alleged to have put a skittle in a student's nose as a form of punishment. Mr. Vinson denied the allegations but admitted he may have acted unprofessionally.

Facts: On December 12, 2022, the Kentucky Education Professional Standards Board entered an order for the voluntary surrender of Mr. Vinson's Kentucky teaching certificate based upon allegations of inappropriate language and inappropriate physical contact with students.

Applicable

Law/Rule: 0520-02-03-.09(1)(e) defines "Inappropriate Communication (Non-Explicit)" as any communication between an educator and a student that is beyond the scope of the educator's professional responsibilities. Examples of such non-explicit inappropriate communications include, but are not limited to, those communications that discuss the educator's or student's past or current romantic relationships; those that include the use of profanities or obscene language; those that are harassing, intimidating, or bullying; those that attempt to establish an inappropriate personal relationship with a student; and those that are related to personal or confidential information regarding another school staff member or student.

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, improper restraint or isolation of a student receiving special education services, and rough housing.

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(1)(q) defines "Revocation" as the nullification of an educator's license for a period of at least five (5) years, after which an educator may petition the State Board for restoration under paragraph (7)(b). Revocation also includes the voluntary surrender of an educator's license for a period of at least five (5) years, after which an educator may petition the State Board for restoration under paragraph (7)(b). A shorter period of

revocation may be specified as provided for in paragraph (5)(f) of this rule, allowing an educator to apply for restoration earlier than five (5) years from the date of revocation.

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 for inappropriate physical contact with a student.

0520-02-03-.09(3)(h) provides that the State Board of Education may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for denial, formal reprimand, suspension, or revocation of a license or certificate in another jurisdiction for reasons which would justify denial, formal reprimand, suspension, or revocation under this rule.

0520-02-03-.09(3)(i) provides that the State Board of Education may revoke, suspend, formally reprimand, or 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(5)(a)(6)(i) provides an individual holding an educator's license who is found to have engaged in non-explicit inappropriate communication with a student shall be subject to a disciplinary action within the range of a suspension for no less than three (3) months up to and including revocation.

0520-02-03-.09(5)(a)(7)(i) provides 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)(9) 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 individuals holding an educator's license who are subject to multiple disciplinary actions by the Board shall face disciplinary action in excess of the recommended ranges. A third violation, regardless of severity, shall be subject to a recommendation of revocation.

T.C.A. § 49-5-1003(b)(7) provides 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)(8) provides an educator shall make reasonable effort to protect the emotional well-being of the student.

T.C.A. § 49-5-1003(b)(19) provides an educator shall maintain a professional approach with the student at all times.

T.C.A. § 49-5-1004(c)(2) provides an educator shall conduct themselves in a manner that preserves the dignity and integrity of the education profession.

Status: Respondent was notified by certified mail of the Board's intent to **revoke** Respondent's educator license based upon these findings. Respondent received said notice and agreed to the voluntary surrender of Respondent's license.

Board Action Consistency Considerations:

February 2019 – Board approved the voluntary surrender of an educator's license based upon the revocation of the educator's license in another state for reasons which would justify revocation under Board rule.

November 2019 – Board approved the voluntary surrender of an educator's license based upon the revocation of the educator's license in another state for reasons which would justify revocation under Board rule.

July 2020 – Board approved the voluntary surrender of an educator's license based upon the revocation of the educator's license in another state for reasons which would justify revocation under Board rule.

May 2021 – Board approved the voluntary surrender of an educator's license based upon the revocation of the educator's license in another state for reasons which would justify revocation under Board rule.

The Recommendation:

Board counsel recommends the Board approve the signed Consent Order submitted by the Respondent for the voluntary surrender of Respondent's license based upon the facts and applicable rule noted above.