

Alexis Buglio
Suspension, Retroactive, Two (2) Months

The Background:

Prior History: N/A

Facts: On August 12, 2022, Mx. Buglio left a student they were directly responsible for unattended on the school's playground for over fifteen (15) minutes. Mx. Buglio was suspended for one (1) day by the LEA.

Applicable

Law/Rule: 0520-02-03-.09(1)(h) defines "Negligence" as a 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. §§ 49-5-1001, et seq.

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)(5)(i) provides 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)(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.

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

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

Board Action Consistency Considerations:

N/A

The Recommendation:

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