

**Joseph Malone  
Formal Reprimand**

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**The Background:**

*Prior History:* N/A

*Facts:* Mr. Malone entered a verbal exchange with a student in which he directed profanity at a student. During the altercation, Mr. Malone enlisted the other students in the classroom to provide feedback or observations about the student's behavior.

Mr. Malone was suspended for one (1) day.

*Applicable*

*Law/Rule:* 0520-02-03-.09(1)(c) defines "Formal Reprimand" as a less harsh licensing action than the suspension, revocation, or denial of a license, which admonishes an educator for certain conduct under this rule. An educator who has been reprimanded by the State Board of Education ("State Board") under this Rule shall receive a letter from the State Board, which shall become part of the educator's state record and may become part of the educator's local record, indicating that the inappropriate conduct is discouraged and shall be subject to further disciplinary action if repeated.

0520-02-03-.09(1)(e) defines non-explicit "Inappropriate Communication" 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)(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(3)(j) 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)(6)(i) provides that, "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)(9)(i) provides, "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(8) provides that in fulfillment of the educator's obligation to the student, an educator shall make reasonable effort to protect the emotional well-being of the student.

T.C.A. § 49-5-1003(9) provides that in fulfillment of the educator's obligation to the student, an educator shall not intentionally expose the student to embarrassment or disparagement.

T.C.A. § 49-5-1003(19) provides that in fulfillment of the educator's 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 educators 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 **formally reprimand** Respondent's educator license based upon these findings. Respondent received said notice and agreed to the formal reprimand of Respondent's license.

#### **Board Action Consistency Considerations:**

July 2022 - Board approved a formal reprimand of an educator's license for directing inappropriate language at a student.

July 2022 - Board approved a formal reprimand of an educator's license for directing profanity at a student.

#### **The Recommendation:**

Board counsel recommends the Board approve the signed Consent Order submitted by the Respondent for a formal reprimand of Respondent's license based upon the facts and applicable rules noted above.