

**Andrew Jonathon Magee
Suspension, Three (3) Months**

The Background:

Prior History: N/A

Facts: Mr. Magee was reported by Greeneville County Schools regarding allegations of inappropriate and unprofessional conduct while on school property. Mr. Magee engaged in inappropriate conduct on school grounds with another school employee. Mr. Magee resigned his position with Greeneville County Schools in lieu of facing charges of dismissal.

Applicable Law

/Rule: T.C.A. § 49-1-302(a)(5)(A)(iv) provides that the Board has the power to adopt rules and policies governing the discipline of licensed personnel for misconduct by formal reprimand or by the suspension and revocation of licenses and certificates.

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

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)(m) defines School Premises as any real property and/or land owned, leased, managed, controlled, or under the custody of a state or local education agency, school system, or school.

0520-02-03-.09(1)(n) defines School Property as any property owned, leased, managed, controlled, or under the custody of a state or local education agency, school system, or school.

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) provides that 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)(5)(iii) provides that an individual holding an educator's license who is found to have inappropriately used school property 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)(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.

Status: Respondent was notified by certified mail of the Board's intent to suspend Respondent's educator license for three (3) months based upon these findings. Respondent received said notice.

Board Action Consistency Considerations:

N/A

The Recommendation:

Board counsel recommends the Board approve the signed Consent Order submitted by Respondent for the suspension of Respondent's license for three (3) months based upon the facts and applicable rule noted above.