

Kimberly Davis
Suspension, One (1) Year with Proof of Treatment

The Background:

Prior History: N/A

Facts: On August 17, 2022, the day before school started, Ms. Davis arrived on campus to prepare for the upcoming school year. Ms. Davis submitted to a reasonable suspicion alcohol test which showed a .10 BAC. No students were present as this was not a school day.

Applicable Law

/Rule: 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)(p) defines Suspension as the nullification of an educator's license for a predetermined term, after which the license may be reinstated. Reinstatement may be subject to the completion of terms and conditions contained in the order of suspension.

0520-02-03-.09(3)(c) provides the State Board of Education may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license or may refuse to issue a temporary permit for being on school premises, school property, at a school-related activity involving students, or on official school business, while possessing, consuming, or under the influence of alcohol or illegal drugs.

0520-02-03-.09(3)(i) provides the State Board of Education may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license or may refuse to issue a temporary permit for other good cause as defined in subparagraph (1)(k) of this rule

0520-02-03-.09(5)(a)(2)(ii) provides that an individual holding an educator's license who is found to be in possession of, consuming, or under the influence of alcohol, or illegal substances while on school premises or property without children present shall be subject to a disciplinary action within the range of suspension for not less than one (1) year up to and including revocation.

0520-02-03-.09(5)(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. § 49-5-1004(c)(2) provides that 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 **suspend** Respondent's educator license based upon these findings. Respondent received said notice and consented to the suspension.

Board Action Consistency Considerations:

October 2022 – Board approved the 3-month retroactive suspension of an individual's license for being at a school-related activity while under the influence of alcohol.

October 2022 – Board approved the 6-month suspension of an individual's license for having a new school year drinking ritual with staff members after hours on campus without students present.

The Recommendation:

Board counsel recommends that the Board approve the signed Consent Order submitted by Respondent for a one (1) year suspension of Respondent's license with proof of treatment based upon the facts and applicable rule noted above.