

Alisha Kelley
Suspension, Three (3) Months Retroactive with Professional Development

The Background:

Prior History: N/A

Facts: Ms. Kelley, a general education teacher, was suspended by the LEA for her actions while escorting a 2nd grade special needs student from her classroom to the special education classroom. The student was upset and was throwing various objects around the classroom. While being led through the hallways, the student dropped to the floor in the middle of a crowded hall, just outside the special education classroom. Ms. Kelley dragged the student the remaining few feet into the classroom.

Applicable Law

/Rule: 0520-02-03-.09(1)(e) 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(3)(e) provides the State Board may revoke, suspend, formally reprimand, or refuse to issue or renew an educator’s license or may refuse to issue a temporary permit for inappropriate physical contact.

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)(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.

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 not intentionally expose the student to embarrassment or disparagement.

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 retroactively **suspend** Respondent’s educator license with professional development based upon these findings. Respondent received said notice and agreed to the retroactive suspension of Respondent’s license with professional development.

Board Action Consistency Considerations:

February 2021 – Board approved the six (6) month retroactive suspension of an educator’s license after the educator carried a 4-year-old student under the arms out of the classroom. Educator then dragged the student, who was seated in an empty hallway, by the feet into the classroom.

The Recommendation:

Board counsel recommends the Board approve the signed Consent Order submitted by the Respondent for a three (3) month retroactive suspension of Respondent’s license with professional development based upon the facts and applicable rule noted above.