
**Nelson Milsaint
Denial**

The Background:

Prior History: N/A

Facts: On August 15, 2023 and, again, on September 21, 2023, Mr. Milsaint submitted applications for Tennessee educator licenses through the out-of-state teacher pathway. At the time of both applications, Mr. Milsaint had previously been denied licensure in Florida, and temporarily barred from reapplying, for allegations involving fraud or plagiarism on the Florida Teacher Certification Exam. On neither of his Tennessee applications in August 2023 nor September 2023 did Mr. Milsaint disclose his denial for licensure in Florida.

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(3)(d) 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 Falsification or altering of a license or permit or documentation required for licensure or permit.

0520-02-03-.09(3)(h) 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 Denial, formal reprimand, suspension, or revocation of a license or certificate in another jurisdiction for reasons which would justify denial, formal reprimand, suspension, or revocation under this rule.

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)(8) provides an individual holding an educator's license who is found to have falsified licensure documentation shall be subject to a disciplinary action within the range of revocation or permanent revocation.

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.

0520-02-03-.09(8)(a) provides if the individual indicates an affirmative answer on the personal affirmation section of the application for a Tennessee educator license, the individual shall show why the license should be issued despite the individual's affirmative answers. Issuance of a license is considered on a case-by-case basis and the burden of proof rests with the individual applying for the license. In the case of a felony conviction, the individual shall also show that any sentence imposed, including any pre-trial diversion or probationary period has been completed. An application for issuance of a license may be denied if an action against the individual's license has been taken or is pending in another state.

0520-02-03-.09(8)(b) provides there shall be a rebuttable presumption that any individual applying for an educator license who has committed an offense that would subject him or her to revocation or suspension shall be presumed ineligible to receive a Tennessee educator license.

T.C.A. § 49-5-1004(b)(1) provides an educator shall not deliberately make a false statement or fail to disclose a material fact related to competency and qualifications in an application for a professional position.

Status: Respondent was notified by certified mail of the Board's intent to **deny** Respondent's educator license based upon these findings. Respondent was also provided Board policy with respect to requesting permission to speak on behalf of his Tennessee educator license application. Respondent received said notice.

Board Action Consistency Considerations:

May 2022 – Board approved the denial of an application for licensure due to action in another state and the applicant's failure to report the action on their Tennessee application.

The Recommendation:

Board counsel recommends the Board deny Respondent's application for a Tennessee educator license based upon the facts and applicable rule noted above.