
Harold Dalton
Suspension, Concurrent with Criminal Probation

The Background:

Prior History: N/A

Facts: Mr. Dalton made false criminal allegations while on school property. He was charged with and pleaded guilty under Judicial Diversion to falsely reporting a crime on school property, a Class D felony under T.C.A. § 39-16-502.

Applicable Law

/Rule: 0520-02-03-.09(1)(a) defines “Conviction” as, “a judgment entered by a court upon a plea of guilty, a plea of nolo contendere, a finding of guilt by a jury or the court notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment. Conviction includes, but is not limited to, a conviction by a federal court or military tribunal, including a court-martial conducted by the armed forces of the United States, and a conviction, whether upon a plea of guilty, a plea of nolo contendere, or a finding of guilt by a jury or the court, in any other state of the United States, other jurisdiction, or other country. Conviction also includes a plea taken in conjunction with Tennessee Code Annotated (“T.C.A.”) § 40-35-313 or its equivalent in any other jurisdiction.”

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)(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)(a) provides that the State Board of Education may revoke, suspend, formally reprimand, or refuse to issue or renew an educator’s license for conviction of a felony.

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)(1)(i) provides that upon receiving notification that an individual has been convicted of a felony, the individual shall be subject to disciplinary action within the range of a suspension of not less than two (2) years up to and including permanent revocation of the convicted individual's educator license.

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. § 49-5-1004(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 **suspend** Respondent's educator license based upon these findings. Respondent received said notice and agreed to the suspension of Respondent's license.

Board Action Consistency Considerations:

May 2023 – Board approved the suspension, concurrent with criminal probation, of an educator's license for conviction of a felony.

May 2022 – Board approved the suspension, concurrent with criminal probation, of an educator's license for conviction of a felony.

The Recommendation:

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