

**Annette Vaughn
Formal Reprimand**

The Background:

Prior History: N/A

Facts: Ms. Vaughn, an elementary school teacher, was reported by Overton County schools for engaging in inappropriate physical contact with a student. Ms. Vaughn pulled the student by the arm and grabbed him by the waistband before picking the student up and carrying him down the hallway. Overton County Schools suspended Ms. Vaughn for five (5) days, issued a letter of reprimand, and required her to complete training in proper restraints.

Applicable Law

/Rule: 0520-02-03-.09(1)(c) defines "Formal Reprimand" as, "A less harsh licensing action than the suspension, revocation, or denial of a license, which admonishes an educator for certain conduct under this rule. An educator who has been reprimanded by the State Board of Education ("State Board") under this Rule shall receive a letter from the State Board, which shall become part of the educator's state record and may become part of the educator's local record, indicating that the inappropriate conduct is discouraged and shall be subject to further disciplinary action if repeated."

0520-02-03-.09(1)(f) 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 that 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 inappropriate physical contact with a student.

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)(7)(i) states, "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)(i) states, "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 disciplinary action within the range of a formal reprimand up to and including revocation."

T.C.A. § 49-5-1003(b)(3) provides that an educator shall, "Provide the student with professional education services in a nondiscriminatory manner and in consonance with accepted best practices known to the educator..."

T.C.A. § 49-5-1003(b)(8) provides that an educator shall, "Make reasonable effort to protect the emotional well-being of the student..."

T.C.A. § 49-5-1003(b)(9) provides that an educator shall, "Not intentionally expose the student to embarrassment or disparagement..."

T.C.A. § 49-5-1003(b)(19) provides that an educator shall, "Maintain a professional approach with the student at all times."

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 **formally reprimand** Respondent's educator license based upon these findings. Respondent received said notice and agreed to the formal reprimand of Respondent's license.

Board Action Consistency Considerations:

November 2020 - Board approved a formal reprimand of an educator's license for engaging in inappropriate physical contact with a student.

The Recommendation:

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