

Nicholle Johnston-Fisher
Suspension, Two (2) Years Concurrent with Alaska

The Background:

Prior History: N/A

Facts: On October 6, 2023, the Alaska Department of Education accepted and entered into a Consent Agreement with Ms. Johnston-Fisher to suspend her Alaska educator's license effective April 12, 2023, through April 12, 2025, for misconduct relating to failing to maintain appropriate student-teacher boundaries. Respondent is required to complete an ethics course prior to the reinstatement of her Alaska license.

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)(h) provides that the State Board of Education may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license 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)(6)(i) provides An individual holding an educator's license who is found to have engaged in non-explicit inappropriate communication with a student shall be subject to a disciplinary action within the range of a suspension for no less than three (3) months up to and including 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.

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)(14) provides educators shall ensure interactions with the student take place in transparent and appropriate settings.

T.C.A. § 49-5-1003(b)(19) provides educators shall maintain a professional approach with the student at all times.

T.C.A. § 49-5-1004(c)(2) provides 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:

Nov 2020 – Board approved the suspension of an educator's license, concurrent with their suspension in another jurisdiction.

May 2022 – Board approved the voluntary surrender of an educator's license, consistent with the voluntary surrender of their license in another jurisdiction.

February 2023 – Board approved the suspension of an educator's license, concurrent with their suspension in another jurisdiction.

August 2023 – Board approved the suspension of an educator's license, concurrent with their suspension in another jurisdiction.

The Recommendation:

Board counsel recommends the Board approve the signed Consent Order submitted by the Respondent for the suspension of Respondent's license concurrent with the suspension of her Alaska teaching license, with reinstatement contingent upon Respondent completing an ethics course, based upon the facts and applicable rule noted above.