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James Combs  
Suspension, Six (6) Month Retroactive

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**The Background:**

*Prior History:* N/A

*Facts:* Mr. Combs was arrested on September 11, 2021 for allegations of criminal conduct and subsequently pleaded guilty on January 12, 2024 to misdemeanors of vandalism of up to \$1,000.00 and simple possession. He was sentenced to 11 months and 29 days of probation, ordered to continue mental health counseling, and required to participate in random drug screenings.

*Applicable Law*

*/Rule:* 0520-02-03-.09(1)(h) 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(3)(b) provides, "The State Board of Education may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for . . . conviction of possession of illegal drugs as defined in subparagraph (1)(a) of this rule."

0520-02-03-.09(3)(i) provides, "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, "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)(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. § 49-5-1004(b)(1) provides that educators shall, "Abide by all applicable federal and state laws."

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:**

January 2015 – Board approved the suspension of an educator's license concurrent with the sentence imposed by the court for a conviction of possession of a controlled substance in the third degree and driving under the Influence.

February 2021 – Board approved the suspension of an educator's license for two (2) years with professional development for pleading guilty to simple possession and contributing to the delinquency of a minor.

#### **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.