
Tarsha McKinney
Formal Reprimand with Professional Development

The Background:

Prior History: N/A

Facts: On May 20, 2024, Respondent broke up a student fight in her classroom and, in doing so, used her hand to make intentional and unnecessary physical contact with a student.

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, "The State Board of Education may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for ... inappropriate physical contact with a student."

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(5)(a)(7)(i) provides, "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) provides, “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 that educators 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)(8) provides that educators shall, “Not intentionally expose the student to embarrassment or disparagement.”

T.C.A § 49-5-1003(b)(19) provides that educators 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 and require professional development based upon these findings. Respondent received said notice and agreed to the formal reprimand of Respondent’s license.

Board Action Consistency Considerations:

August 2024 – Board approved the formal reprimand, with proof of professional development, of an educator’s license for inappropriate physical contact with a student that did not result in harm

May 2024 – Board approved the formal reprimand of an educator’s license for inappropriate physical contact with a student that did not result in harm

February 2024 – Board approved the formal reprimand of an educator’s license for inappropriate physical contact with a student that did not result in harm

October 2022 – Board approved the formal reprimand of an educator’s license for inappropriate physical contact with a student that did not result in harm

The Recommendation:

Board counsel recommends the Board approve the signed Consent Order submitted by the Respondent for the formal reprimand of Respondent’s license and professional development based upon the facts and applicable rule noted above.