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**Spencer Osborne**  
**Suspension, Six (6) Months with Professional Development**

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**The Background:**

*Prior History:* N/A

*Facts:* Mr. Osborne admitted to engaging in sexual jokes with students openly in class and having text exchanges with a student which included discussing romantic relationships, profanities, and calling the student pet names.

*Applicable Law  
/Rule:*

0520-02-03-.09(1)(e) defines Inappropriate Communication (Non-Explicit) as, “Any communication between an educator and a student that is beyond the scope of the educator’s professional responsibilities. Examples of such non-explicit inappropriate communications include, but are not limited to, those communications that discuss the educator’s or student’s past or current romantic relationships; those that include the use of profanities or obscene language; those that are harassing, intimidating, or bullying; those that attempt to establish an inappropriate personal relationship with a student; and those that are related to personal or confidential information regarding another school staff member or student.”

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)(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)(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)(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.”

*Status:* Respondent was notified by certified mail of the Board’s intent to **suspend** 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 2023 – Board approved a six-month suspension of an educator’s license with professional development for engaging in inappropriate conversations about his personal life and sharing inappropriate information with the student.

October 2022 – Board approved the six-month suspension with professional development of an educator’s license for inappropriate communications with a student through social media.

#### **The Recommendation:**

Board counsel recommends the Board approve the signed Consent Order submitted by the Respondent for the suspension of Respondent’s license, with reinstatement contingent upon proof of completion of professional development, based upon the facts and applicable rule noted above.