
Elizabeth Fewell
Suspension, Six (6) Month Retroactive with Professional Development

The Background:

Prior History: N/A

Facts: Ms. Fewell engaged in inappropriate physical contact with a student by holding the student's head and/or neck in an improper or unacceptable manner. Ms. Fewell engaged in inappropriate communication with a student that was unprofessional. During the district's investigation into allegations of misconduct, Ms. Fewell admitted that she had at some point previously been in possession of alcohol on school premises but that it was locked away and inaccessible. Ms. Fewell was suspended from her position pending the investigation but subsequently resigned.

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)(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(1)(p) defines Suspension as "With regard to licensure action by the State Board, suspension means the nullification of an educator's license for a predetermined term, after which the license may be reinstated. Reinstatement shall be subject to the completion of any terms and conditions contained in the order of suspension. With regard to employment action taken by a public or non-public school or school district, suspension means the temporary removal of an educator from his or her regular duties with or

without pay. Suspension also includes the placement of an educator on administrative leave pending investigation into allegations of misconduct.”

0520-02-03-.09(3)(c) provides, “The State Board of Education may revoke, suspend, formally reprimand, or refuse to issue or renew an educator’s license for . . . being on school premises, school property, at a school-related activity involving students, or on official school business, while possessing, consuming, or under the influence of alcohol or illegal drugs.”

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(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)(3)(i) provides, “An individual holding an educator’s license who is found to be in possession of, consuming, or under the influence of alcohol, or illegal substances while on school premises or property when children are present shall be subject to a disciplinary action within the range of suspension for not less than one (1) year up to and including revocation.”

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)(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) states 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)(19) states that educators shall, “Maintain a professional approach with the student at all times.”

T.C.A. § 49-5-1003(c)(2) states 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 **retroactively 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:

November 2024 – Board approved a six (6) month retroactive suspension of an educator’s license with professional development for improperly restraining a special education student

August 2024 – Board approved a three (3) month retroactive suspension of an educator’s license with professional development for engaging in multiple instances of inappropriate physical contact with a student for improperly restraining and relocating a student.

November 2023 – Board approved a three (3) month retroactive suspension of an educator’s license with professional development for improperly restraining and relocating a special education student.

October 2022 – Board approved the three (3) month retroactive suspension of an educator’s license for directing inappropriate language at a student.

The Recommendation:

Board counsel recommends the Board approve the signed Consent Order submitted by the Respondent for a six (6) month retroactive suspension of Respondent’s license, with a requirement that she complete professional development, based upon the facts and applicable rules noted above.