
Joe Gray
Denial

The Background:

Prior History: N/A

Facts: Mr. Gray holds an academic permit that expires on June 30, 2025. Mr. Gray was reported for allegedly making multiple inappropriate comments to students including discussing student relationships, his own romantic relationships, telling female students they are pretty, talking about when students turn 18, and other one-off comments.

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.”

0520-02-03-.09(6)(a)(4) provides, "If an individual teaching on a permit issued by the Commissioner is reported by a Director . . . and the misconduct, if substantiated, would warrant disciplinary action under this Rule if the individual had a license, the State Board may direct the Commissioner not to issue a subsequent permit upon expiration of the individual's current permit pursuant to T.C.A. § 49-5-106(a)."

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 **deny** issuance of a subsequent permit upon expiration of Respondent's current permit. Respondent received said notice.

Board Action Consistency Considerations:

N/A

The Recommendation:

Board counsel recommends the Board approve the denial of subsequent permits being issued to Respondent upon expiration of Respondent's current permit based upon the facts and applicable rule noted above.