
Daniel Pierce
Suspension, 3 Months Retroactive Suspension

The Background:

Prior History: N/A

Facts: Mr. Pierce was suspended due to improperly restraining and transporting a student. Mr. Pierce was struck in the head with a water bottle while attempting to escort a non-compliant student by the arm down the hallway. Mr. Pierce placed the student in a hold, maintaining it for approximately 45 seconds as the two struggled down the hallway. At one point, Mr. Pierce pinned the student against the wall and leaned his body weight against her. The two eventually fell to the ground. The holds, according to the school district, were not Crisis Prevention Institute (CPI) approved. Mr. Pierce has been trained in CPI and claims the holds were appropriate but acknowledges the transportation of the student may not meet CPI standards. The district recommended Mr. Pierce be retrained in CPI. Mr. Pierce's interim position ended.

Applicable Law

/Rule: 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, 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 may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license or may refuse to issue a temporary permit for . . . inappropriate physical contact with a student."

0520-02-03-.09(3)(i) provides, "The State Board may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license or may refuse to issue a temporary permit for . . . other good cause."

0520-02-03-.09(5)(a)(6)(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)(6)(ii) provides, “An individual holding an educator’s license who is found to have engaged in inappropriate physical contact with a student that results in harm or potential harm to the student shall be subject to a disciplinary action for not less than two (2) years up to and including permanent revocation.”

0520-02-03-.09(5)(a)(8) 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, “An educator 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, “An educator shall not intentionally expose the student to embarrassment or disparagement.”

T.C.A § 49-5-1003(b)(19) provides, “An educator 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 based upon these findings. Respondent received said notice and agreed to the suspension of Respondent’s license.

Board Action Consistency Considerations:

July 2022 – Board approved the three (3) month suspension, with professional development, of an educator’s license for inappropriate physical contact with a student that did not result in harm, specifically for using an unjustified and improper restraint on a student.

November 2023 – Board approved the three (3) month retroactive suspension, with professional development, of an educator’s license after inappropriately relocating a destructive and noncompliant special needs student.

May 2024 – Board approved the three (3) month retroactive suspension, with professional development, of an educator’s license after inappropriately relocating a destructive and noncompliant special needs student.

November 2024 – Board approved the three (3) month retroactive suspension, with professional development, of an educator’s license after inappropriately relocating a noncompliant special needs student.

The Recommendation:

Board counsel recommends the Board approve the signed Consent Order submitted by the Respondent for the three (3) month retroactive suspension of Respondent's license based upon the facts and applicable rule noted above.