

Keely Spain
Formal Reprimand

The Background:

Prior History: N/A

Facts: Ms. Spain allowed a group of senior students to borrow her keys to the school in order to implement a senior prank. Contrary to Ms. Spain's belief in the students' good intentions, the students gained access to the school and caused extensive damage. Ms. Spain pleaded guilty to contributing to the delinquency of a minor, and she helped clean up the damage to the school.

Applicable Law

/Rule: 0520-02-03-.09(1)(h) defines Negligence as, "Failure to exercise the care toward others that a reasonable or prudent person would exercise under the circumstances or taking action that a reasonable person would not. Examples of such negligence include, but are not limited to, situations that expose students to mental or physical harm or the potential for mental or physical harm such as leaving dangerous items in the classroom or in areas easily accessible to students and leaving students unattended."

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)(2)(i) provides, "Upon receiving notification that an individual has been convicted of a misdemeanor where the victim is a student and/or a minor, the individual shall be subject to disciplinary action within the range of a suspension of not less than six (6) months up to and including revocation of the convicted individual's educator license."

0520-02-03-.09(5)(a)(4)(i) provides, "An individual holding an educator's license who is found to be negligent in his or her commission of duties as an educator in such a manner that does not result in harm to a child, but presented the potential for physical or mental harm, shall be subject to a disciplinary action within the range of a letter of formal reprimand up to and including a two (2) year suspension."

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. § 49-5-1004(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 based upon these findings. Respondent received said notice and agreed to the formal reprimand of Respondent's license.

Board Action Consistency Considerations:

N/A

The Recommendation:

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