

**Linda Quinones
Voluntary Surrender**

The Background:

Prior History: N/A

Facts: On November 12, 2021, Ms. Quinones was suspended for spanking a special education student with a book and pulling the student's hair when attempting to remove the student from a stool. Ms. Quinones's employment was terminated.

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)(g) defines "Inappropriate Physical Contact With Harm" as Inappropriate physical contact as described in subparagraph (f) above that results in physical or mental harm.

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)(q) defines "Revocation" as the nullification of an educator's license for a period of at least five (5) years, after which an educator may petition the State Board for restoration under paragraph (7)(b). Revocation also includes the voluntary surrender of an educator's license for a period of at least five (5) years, after which an educator may petition the State Board for restoration under paragraph (7)(b).

0520-02-03-.09(3)(e) provides that 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 that 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 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 within the range of a suspension for two (2) years up to and including permanent revocation.

0520-02-03-.09(5)(a)(8) provides that 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 make reasonable effort to protect the emotional well-being of the student.

T.C.A. § 49-5-1003(b)(9) 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.

T.C.A. § 49-5-1004(c)(2) provides an educator 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 **revoke** Respondent's educator license based upon these findings. Respondent received said notice and agreed to the voluntary surrender of Respondent's license.

Board Action Consistency Considerations:

July 2017 – Board approved the voluntary surrender of an educator's license for grabbing, pinching, and knocking a student's glasses off.

July 2017 – Board approved the revocation of an educator's license for using corporal punishment.

February 2018 – Board approved the revocation of an educator's license for having a physical altercation with a student.

February 2018 – Board approved the revocation of an educator's license for using corporal punishment.

November 2020 - Board approved the voluntary surrender of an educator's license for using corporal punishment with a special education student.

The Recommendation:

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