
Licenses: Formal Reprimand, Denial, Suspension, Revocation and Restoration

The Background:

Formal Reprimand Denial, Suspension or Revocation:

Pursuant to State Board of Education Rule 0520-02-03-.09:

The State Board of Education shall automatically revoke the license of a licensed teacher or administrator without the right to a hearing upon receiving verification of the identity of the teacher or administrator together with a certified copy of a criminal record showing that the teacher or school administrator has been convicted of any felony or offense listed at T.C.A. §§ 40-35-501(i)(2), 39-17-417, a sexual offense or a violent sexual offense as defined in 40-39-202, any offense in title 39, chapter 13, 39-14-301 and 39-14-302, 39-14-401 and 39-14-404, 39-15-401 and 39-15-402, 39-17-1320, or any other offense in title 39, chapter 17, part 13 (including conviction on a plea of guilty or nolo contendere, conviction for the same or similar offense in any jurisdiction, or conviction for the solicitation of, attempt to commit, conspiracy, or acting as an accessory to such offenses).

Also, the State Board of Education may revoke, suspend, reprimand formally or refuse to issue or renew a license for the following reasons:

1. Conviction of a felony,
2. Conviction of possession of narcotics,
3. Being on school premises or at a school-related activity involving students while documented as being under the influence of, possessing or consuming alcohol or illegal drugs,
4. Falsification or alteration of a license or documentation required for licensure,
5. Denial, suspension or revocation of a license or certificate in another jurisdiction for reasons which would justify denial, suspension or revocation under this rule, or
6. Other good cause. Other good cause shall be construed to include noncompliance with security guidelines for TCAP or successor tests pursuant to T.C.A. § 49-1-607, default on a student loan pursuant to T.C.A. § 49-5-108(d)(2) or failure to report under part (e).

For purposes of this part (b), "conviction" includes conviction on a plea of guilty, a plea of nolo contendere or an order granting pre-trial or judicial diversion.

A person whose license has been denied, suspended or revoked may not serve as a volunteer or be employed, directly or indirectly, as an educator, paraprofessional, aide, substitute teacher or in any other position during the period of the denial, suspension or revocation.

Reinstatement:

Pursuant to State Board of Education Rule 0520-02-03-.09(3):

A person whose license has been denied, suspended or revoked under parts (1) or (2) may apply to the Board to have the license issued or restored upon application showing that the cause for denial, suspension or revocation no longer exists and that the person has complied with any terms imposed in the order of denial or revocation. In the case of a felony conviction, before an application will be considered, the person must also show that any sentence imposed, including any pre-trial diversion or probationary period has been completed. Application for such issuance or restoration shall be made to the Office of Teacher Licensing and shall be voted on at a regularly scheduled meeting of the State Board of Education. Nothing in this section is intended to guarantee restoration of a license.

The Recommendations:

Board action is required. Counsel to the Board recommends approval of the attached orders imposing the actions noted below.

- A. William Haynes – Reinstatement Application
- B. Derrick Holmes – Denial of Initial Licensure

**William Haynes
Reinstatement Application**

The Background:

Facts: On June 12, 2007, Mr. Haynes entered a conditional plea of guilty to one count of statutory rape in accordance with the judicial diversion provisions of Tennessee's criminal code. On November 7, 2007, the State Board revoked his teaching license due to the judicial diversion. On July 28, 2011, and subsequent to Mr. Haynes successful completion of the terms of his probation, the Criminal Court of Franklin County dismissed the statutory rape charge and expunged all records of the prosecution. In April of 2012, Mr. Haynes petitioned for reinstatement of his teaching license. The Board proposed denial of his petition for "good cause" based on his prior conviction.

Mr. Haynes sought a declaratory order from the Chancery Court of Davidson County regarding the proposed denial. The Chancery Court determined that the "other good cause" section of the State Board rule on license discipline does not include Mr. Haynes prior plea and judicial diversion.

Status: Consideration of this matter is before the Board by order of the Davidson County Chancery Court.

The Recommendation:

The Chancery Court has required the Board to vote on the matter of Mr. Haynes reinstatement, but has refrained from directing a specific vote. However, the Court's order does require the Board to vote according to its rule and law. Furthermore, the Board cannot deny based upon "other good cause."

Derrick Holmes
Denial of Initial Licensure

The Background:

Allegation: Mr. Holmes applied for a Tennessee teaching license as an out-of-state applicant. He supplied the Office of Educator Licensing with a copy of his Georgia teaching license along with the standard application in Tennessee. On his application, he indicated that he did not have any prior license discipline. A NASDTEC search revealed a prior suspension of his Mississippi teaching license.

Status: Respondent was notified by certified mail of the Board's intent to deny his license based upon these findings. Respondent received notice but did not request a hearing.

The Recommendation:

Respondent's conduct constitutes grounds for denial of the initial application for licensure pursuant to Board Rule 0520-02-03-.09.

The Board staff review committee recommends denial of the Respondent's petition for reinstatement.