

James E. Feuerbacher
Suspension, 2 years

The Background:

Prior History: N/A

Facts: In April 2019, a teacher noticed that Mr. Feuerbacher, an elementary school physical education teacher in Rutherford County Schools, may have been drinking alcohol on school grounds during the school day. The teacher reported this suspicion to the Principal, who then had the school resource officer (“SRO”) monitor Mr. Feuerbacher. The SRO noted that Mr. Feuerbacher left the school building to go to his car four times during the school day. The SRO also noted that the contents in a cup that Mr. Feuerbacher left unattended smelled of alcohol. Mr. Feuerbacher submitted to a breathalyzer, which came back with a blood alcohol level of 0.172, and he was suspended then non-renewed by Rutherford County Schools.

Applicable Rule: 0520-02-03-.09(1)(k) defines 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)(p) defines Suspension the nullification of an educator’s license for a predetermined term, after which the license is automatically reinstated. Reinstatement may be subject to the completion of terms and conditions in the order of suspension.

0520-02-03-.09(3)(c) provides that Board may revoke, suspend, formally reprimand, or refuse to issue or renew an educator’s license for being on school premises, at a school related activity involving students, or on official school business, while possessing or consuming alcohol or illegal drugs.

0520-02-03-.09(3)(g) provides that the Board 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(3)(h) provides that the Board may revoke, suspend, formally reprimand, or refuse to issue or renew an educator’s license for any offense contained in paragraphs (4) and/or (5) of this rule.

0520-02-03-.09(5)(a)(2)(i-ii) provides that an individual holding an educator’s license who is found to be in possession of or consuming alcohol, or using illegal substances while on school premises or property when children are or without children present shall be

subject to a disciplinary action within the range of suspension for not less than one (1) year up to and including 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 shall be subject to a disciplinary action within the range of a suspension for no less than one (1) year up to and including revocation.

T.C.A. § 49-5-1003(b)(18) provides that an educator shall refrain from the use of alcohol while on school or LEA premises or during a school activity which students are present.

Status: Respondent was notified by certified mail of the Board's intent to **suspend** his educator license based upon these findings. Respondent received said notice.

Board Action Consistency Considerations:

February 2020 - Board approved the suspension of an individual's license for two years for possession of alcohol on school grounds.

February 2020 - Board approved the retroactive suspension of an individual's license for two years for possession of alcohol on school grounds with students present.

February 2019 - Board approved the suspension of an individual's license for two years with proof of treatment for being under the influence of alcohol on school grounds.

February 2019 - Board approved the suspension of an individual's license for two years with proof of treatment for being under the influence of alcohol on school grounds.

July 2018 - Board approved the suspension of an individual's license for two years with proof of treatment for being under the influence of alcohol on school grounds.

July 2018 - Board approved the suspension of an individual's license for two years with proof of treatment for being under the influence of alcohol on school grounds.

July 2018 - Board approved the suspension of an individual's license for two years with proof of treatment for consuming and being under the influence of alcohol on school grounds.

July 2018 - Board approved the suspension of an individual's license for two years with proof of treatment for being under the influence of alcohol on school grounds and failing a field sobriety test.

April 2018 - Board approved the retroactive suspension of an individual's license for two years for being under the influence of alcohol on school grounds.

January 2018 - Board approved the suspension of an individual's license for two years with proof of treatment for being under the influence of alcohol on school grounds.

The Recommendation:

The Board staff recommends that the Board approve the signed Consent Order submitted by the Respondent based upon the facts and applicable rule noted above.