

**John A. Young
Restoration Denial**

The Background:

Prior History: Mr. Young's Tennessee educator license was revoked in 2011 by an Agreed Order before an Administrative Law Judge with the Tennessee Secretary of State's Office, Administrative Procedures Division. This order resulted from Mr. Young pleading guilty to four (4) counts of contributing to the delinquency of a minor (misdemeanors). Mr. Young was ordered judicial diversion and was sentenced to four (4) total years of probation.

Facts: On September 24, 2020, Mr. Young applied for the restoration of his Tennessee educator license. The underlying misconduct that led to Mr. Young's guilty plea and the revocation of his Tennessee educator license included inappropriately communicating with minor(s) via text messages about drinking, meeting up, and asking/discussing nude pictures. These messages occurred outside of school hours on or around October 26, 2009. Since the revocation of his license, Mr. Young's criminal record has been expunged. Additionally, he has provided proof that he attended counseling services, has been employed with the Tennessee Department of Transportation for at least five (5) years, and has four (4) letters of references.

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)(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 (6)(b). Revocation shall also include 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 (6)(b).

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.

Board policy 5.500 – License Restoration

3. Considerations for Restoring a Revoked License

- a. The case review committee and/or the Board may consider (but is not limited to) the following in reviewing restoration applications:
 - i. Likelihood of present harm or potential for continuing harm to students, parents of students or school personnel.
 - ii. Details of the offense(s) which led to the disciplinary action:
 - 1. Terms of any sentence imposed, including probation, community service, etc.;
 - 2. Amount of time that has passed since the arrest;
 - 3. The relationship between the offense and the duties and responsibilities of the education profession; and
 - 4. Likelihood of recurrence (as shown, for example, by lack of remorse or lack of rehabilitative motivation or potential).
 - iii. Attempted concealment of misconduct, including failure to report any criminal charges on an initial license application.
 - iv. Prior misconduct of a similar or related nature (including prior criminal history).
 - v. Compliance with any terms imposed in a voluntary withdrawal of a license application, voluntary surrender of a license or suspension.
 - vi. Rulings on restoration applications under similar circumstances.
 - vii. Evidence of rehabilitation relevant to the conduct that resulted in disciplinary action, such as:
 - 1. Completion of any sentence imposed, including probation;
 - 2. Participation in counseling, self-help support groups, community service;
 - 3. Gainful employment subsequent to the conduct; and
 - 4. Family and community support (shown, for example, through affidavits or letters of character from leaders of community or religious organizations).
 - viii. Fitness for practice as an educator:
 - 1. Continuing education since the discipline was imposed;
 - 2. Offers of employment for educational positions; and
 - 3. Letters of recommendation for educational positions.
 - ix. Any other relevant factors.
- b. To assist in deliberations, Board staff shall maintain a list of all restoration requests, along with the following information:
 - i. Grounds for disciplinary action;
 - ii. Time elapsed since denial or revocation;
 - iii. Supporting material provided by applicant; and
 - iv. Whether the application was granted or denied

Status:

Respondent was notified by certified mail of the Board's intent to **deny** his application for restoration of his Tennessee educator license based upon these findings and information on how to request to speak on his behalf at the next quarterly Board meeting regarding his restoration application. Respondent received said notice.

Board Action Consistency Considerations:

N/A

The Recommendation:

Pursuant to Board Policy 5.500, the Board staff recommends that Educator's application for restoration be denied based upon Board rule applicable at the time of application and policy considerations deemed relevant by the Board.