

Rachelle Clark
Revocation/Voluntary Surrender

The Background:

Prior History: N/A

Facts: On April 5, 2021, Ms. Clark was reported by Sumner County Schools following allegations of an inappropriate relationship with a male student. She admitted to being friends with the student, that he was helping her through a divorce, and that she became too emotionally involved with the student. Ms. Clark was observed crying on the student's shoulder in the hallway and being alone with the student in her classroom with the door shut. While no sexual contact occurred, Ms. Clark admitted to texting the student during and after school which included sexual conversations. Ms. Clark also provided the student with vape pens and was charged with contributing to the delinquency of a minor. She pled guilty and entered diversion on May 3, 2021, receiving 11 months and 29 days probation. The district also reported Ms. Clark had unopened alcohol on campus. Her contract with Sumner County Schools was not renewed.

Applicable Rule

/Law: 0520-02-03-.09(1)(a) defines conviction as a judgment entered by a court upon a plea of guilty, a plea of nolo contendere, a finding of guilt by a jury or the court notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment. Conviction includes, but is not limited to, a conviction by a federal court or military tribunal, including a court-martial conducted by the armed forces of the United States, and a conviction, whether upon a plea of guilty, a plea of nolo contendere, or a finding of guilt by a jury or the court, in any other state of the United States, other jurisdiction, or other country. Conviction also includes a plea taken in conjunction with Tennessee Code Annotated ("T.C.A.") § 40-35-313 or its equivalent in any other jurisdiction.

0520-02-03-.09(1)(d) defines non-explicit inappropriate communication as any communication between an educator and a student that is beyond the scope of the educator's professional responsibilities. Examples of such non-explicit inappropriate communications include, but are not limited to, those communications that discuss the educator's or student's past or current romantic relationships; those that include the use of profanities or obscene language; those that are harassing, intimidating, or bullying; those that attempt to establish an inappropriate personal relationship with a student; and those that are related to personal or confidential information regarding another school staff member or student.

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)(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 (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 Board may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for inappropriate physical contact.

0520-02-03.09(3)(i) 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)(j) 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, consuming, or under the influence of alcohol, or illegal substances while on school premises or property, with 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)(5)(i) provides that an individual holding an educator's license who is found to have engaged in non- explicit inappropriate communication with a student shall be subject to a disciplinary action within the range of a suspension for no less than three (3) months 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 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)(14) provides that an educator shall ensure interactions with the student take place in transparent and appropriate settings.

T.C.A. § 49-5-1003(b)(16) provides that an educator shall not furnish alcohol or illegal or unauthorized drugs to the student.

T.C.A. § 49-5-1003(b)(17) provides that an educator shall strive to prevent the use of alcohol or illegal or unauthorized drugs by the student when the student is under the

educator's supervision on school or LEA premises, during school activities, or in any private setting.

T.C.A. § 49-5-1003(b)(19) provides that an educator shall maintain a professional approach with the student at all times.

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

Board Action Consistency Considerations:

May 2019 – Board approved the voluntary surrender/revocation of an educator's license for having inappropriate communication with students via text messaging.

July 2019 – Board approved the voluntary surrender/revocation of an educator's license for engaging in inappropriate communications with students.

July 2020 – Board approved the voluntary surrender/revocation of an educator's license for engaging in inappropriate communications with students and after he pleaded guilty to contributing to delinquency of a minor.

May 2021 – Board approved the voluntary surrender/revocation of an educator's license for engaging in non-explicit inappropriate communication with students.

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.