

Michael Davis
Revocation, Automatic

The Background:

Prior History: N/A

Facts: On September 14, 2018, Mr. Davis was involved in a physical altercation with a student at school during a pickup basketball game between students and teachers. Mr. Davis took the student to the ground in a headlock. Criminal charges were brought against Mr. Davis and he pled guilty to abuse of a child over 8 years old pursuant to T.C.A. § 39-15-401. The judgment was entered on May 7, 2021, and he received 11 months and 29 days supervised probation. Mr. Davis retired on October 9, 2018.

Applicable Rule

/Law: T.C.A. § 49-5-417 provides 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 child abuse, child neglect, or child endangerment, as described in § 39-15-401.

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)(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 Board 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 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(4)(a)(1)(v) The State Board of Education shall automatically revoke or automatically permanently revoke, without the right to a hearing, the license of an educator upon receiving verification of the identity of the licensed educator together with a certified copy of a criminal record showing that the licensed educator has been convicted of child abuse, child neglect, or child endangerment, as described in T.C.A. § 39-15-401. Educators whose conviction includes a plea taken in conjunction with T.C.A. § 40-35-313 or its equivalent in any other jurisdiction shall not be subject to automatic permanent revocation.

0520-02-03-.09(5)(a)(6)(i) provides that 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)(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 that 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)(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 **automatically revoke** his educator license based upon these findings. Respondent received said notice.

Board Action Consistency Considerations:

N/A

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.