

Ashley Hayes
Suspension, 6 Months Retroactive

The Background:

Prior History: N/A

Facts: In April 2021, Ms. Hayes’s classroom was randomly searched by the school’s Safety and Security Office and K9 Unit. Ms. Hayes’s personal bag was “alerted on” by the K9 Officer. A field test, or drug wipe, of the contents of Ms. Hayes’s bag yielded positive results for Tetrahydrocannabinol (THC). Ms. Hayes subsequently consented to a drug urinalysis test which also yielded positive results for THC. Ms. Hayes admitted to consuming a THC infused gummy a few days prior to the drug urinalysis test on a trip to spread her mother’s ashes. She also maintains the positive field test on her bag resulted from the spill of a pet medication used to help her dog cope with cancer. Ms. Hayes resigned her position with Metro Nashville Public Schools, effective April 21, 2021.

Applicable Rule

/Law: 0520-02-03-.09(1)(j) defines official school business as any activity undertaken by an educator in an official capacity and in connection with the educator’s employment. Examples include, but are not limited to, conferences, professional development, trainings, and seminars.

0520-02-03-.09(1)(k) defines other 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)(m) defines school premises as any real property and/or land owned, leased, managed, controlled, or under the custody of a state or local education agency, school system, or school.

0520-02-03-.09(1)(n) defines school property as any property owned, leased, managed, controlled, or under the custody of a state or local education agency, school system, or school.

0520-02-03-.09(1)(o) defines school related activity as any activity in which a student participates, including but not limited to classes, meetings, extracurricular activities, clubs, athletics, and field trips, sponsored by the school, state educational agency, or local educational agency.

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

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

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 Board Rule 0520-02-03-.09.

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 Board Rule 0520-02-03-.09.

0520-02-03-.09(5)(a)(2)(i) 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 when children are 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 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.

0520-02-03-.09(5)(e) provides that nothing in this rule shall prohibit the State Board from imposing a disciplinary action outside of the uniform discipline range upon good cause shown in extraordinary circumstances.

T.C.A. § 49-5-1003(b)(1) provides that an educator shall abide by all federal and state laws.

T.C.A. § 49-5-1004(b)(9) provides that an educator shall not use illegal or unauthorized drugs.

Status: Respondent was notified by certified mail of the Board’s intent to **suspend** her 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.