
Brock Jones
Revocation, Automatic, Permanent

The Background:

Prior History: N/A

Facts: On August 29, 2019, Mr. Jones was suspended by Greene County Schools pending law enforcement's investigation into criminal charges after allegations of inappropriate communications with a student were made. Mr. Jones resigned on September 8, 2019. On May 21, 2021, Mr. Jones was convicted of solicitation of a minor and exploitation of a minor by electronic means pursuant to Tenn. Code. Ann. ("T.C.A.") § 39-13-528(a)(7) and § 39-13-529, both class E felonies. Due to the nature of the misconduct, T.C.A. § 49-5-417(a)(2), § 49-5-413(e), and Board Rule 0520-02-03-.09(4)(a)(2) requires the automatic, permanent revocation of Mr. Jones's license.

Applicable Rule

/Law: T.C.A. § 49-5-417(a)(2), § 49-5-413(e), and State Board of Education Rule 0520-02-03-.09(4)(a)(2) specify conduct that requires the State Board of Education to automatically and permanently revoke an educator's license.

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 inappropriate communication (explicit) as any communication between an educator and a student that describes, represents, or alludes to sexual activity or any other illegal activity. This includes, but is not limited to, communication defined as sexual misconduct under T.C.A. § 49-5-417, communication defined as sexually related behavior under T.C.A. § 49-5-1003(b)(15), and communication that would encourage illegal activity such as encouraging the use or purchase of illegal substances. This shall not be construed to prevent an educator from communication regarding sexual or illegal activities for educational purposes such as in teaching family-life curriculum pursuant to T.C.A. §§ 49-6-1307 et seq. or drug abuse resistance education pursuant to T.C.A. § 49-1-402 or to prevent an educator from upholding the educator's obligation as a mandatory reporter of child abuse, neglect, or child sexual abuse.

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)(l) defines permanent revocation as the nullification of an educator's license without eligibility for future reinstatement.

0520-02-03-.09(3)(a) provides the State Board of Education may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for conviction of a felony.

0520-02-03-.09(3)(i) provides the State Board of Education 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 the State Board of Education 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 State Board of Education Rule 0520-02-03-.09.

0520-02-03-.09(4)(a)(1)(ix) and (viii) provides 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 a felony offense in T.C.A. title 39, chapter 13, or a sexual offense or a violent sexual offense, as described in T.C.A. § 40-39-202

0520-02-03-.09(5)(a)(1)(i) states upon receiving notification that an individual has been convicted of a felony, the educator shall be subject to disciplinary action within the range of a suspension of not less than two (2) years up to and including permanent revocation of the convicted individual's educator license.

0520-02-03-.09(5)(a)(5)(ii) provides an individual holding an educator's license who is found to have engaged in inappropriate communication of an explicit nature with a student shall be subject to permanent 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. § 40-39-202 includes solicitation of a minor under § 39-13-528 and soliciting sexual exploitation of a minor—exploitation of a minor by electronic means under § 39-13-529 as "sexual offenses."

T.C.A. § 49-5-1003(b)(7, 8, 14, 15, 19) provides that an educator shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety,

to protect the emotional well-being of the student, ensure interactions with the student take place in transparent and appropriate settings, not engage in any sexually related behavior with the student, and maintain a professional approach with the student at all times.

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

Board Action Consistency Considerations:

February 2021 – The Board voted to approve the automatic, permanent revocation of an educator's license for conduct specified in T.C.A. § 49-5-417(a)(2) and Board Rule 0520-02-03-.09(4)(a)(2).

May 2021 – The Board voted to approve the automatic, permanent revocation of an educator's license for conduct specified in T.C.A. § 49-5-417(a)(2) and Board Rule 0520-02-03-.09(4)(a)(2).

The Recommendation:

The Board staff recommends the automatic, permanent revocation of Respondent's Tennessee educator license.