

Kelly M. Downing
Formal Reprimand

The Background:

Prior History: N/A

Facts: Ms. Downing was reported by Clarksville-Montgomery County Schools for using profanity towards a student. Ms. Downing admitted to making the remark in response to a student's behavior. Ms. Downing was issued a two (2) day suspension related to the incident.

Applicable Rule

/Law: T.C.A. § 49-5-1003(9) provides that in fulfillment of this obligation to the student, an educator shall not intentionally expose the student to embarrassment or disparagement.

T.C.A. § 49-5-1003(19) provides that in fulfillment of this obligation to the student, an educator shall maintain a professional approach with the student at all times.

T.C.A. § 49-5-1004(c)(2) provides that educators shall conduct themselves in a manner that preserves the dignity and integrity of the education profession.

0520-02-03-.09(1)(e) defines Inappropriate Communication (Non-Explicit) 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)(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(3)(i) 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) 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 this rule.

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.

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

Board Action Consistency Considerations:

May 2022 – The Board voted to approve the formal reprimand of an educator's license for using inappropriate language towards a student.

The Recommendation:

The Board staff recommends that the Board approve the signed Consent Order submitted by the Respondent for the formal reprimand of Respondent's license based upon the facts and applicable rule noted above.