
Kendall Hastings
Suspension, 3 Months with Professional Development

The Background:

Prior History: N/A

Facts: Ms. Hastings physically restrained a student and failed to take appropriate action when handling a behavioral issue with a student. Ms. Hastings indicated that the student would not leave the classroom and go to the restroom with the class, which is why Ms. Hastings was physically engaged with the student.

Upon investigation by the district, it was evident that the student was not a threat to themselves or others, and under no circumstances should the physical restraint have been used by Ms. Hastings.

Ms. Hastings was suspended for three (3) days without pay and be required to complete self-regulation for an optimal learning environment training before being returned to the classroom.

Applicable Law

/Rules: T.C.A. § 49-5-1003(7) provides that in fulfillment of this obligation to the student, 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(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)(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)(h) defines Negligence as a failure to exercise the care toward others that a reasonable or prudent person would exercise under the circumstances or taking action that a reasonable person would not. Examples of such negligence include, but are not limited to, situations that expose students to mental or physical harm or the potential

for mental or physical harm such as leaving dangerous items in the classroom or in areas easily accessible to students and leaving students unattended.

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(3)(e) provides that the State Board of Education 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 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 that 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)(3)(i) provides that an individual holding an educator's license who is found to be negligent in his or her commission of duties as an educator in such a manner that does not result in harm to a child, but presented the potential for physical or mental harm, shall be subject to a disciplinary action within the range of a letter of formal reprimand up to and including a two (2) year suspension.

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.

Status: Respondent was notified by certified mail of the Board's intent to suspend her educator license based upon these findings and require the completion of a professional development course in positive behavior supports. Respondent received said notice. Respondent agreed to the **three (3) month suspension** of her license and required professional development.

Board Action Consistency Considerations:

February 2020 – The Board approved the suspension of an educator's license for a period of three (3) months due to inappropriate physical contact and inappropriate communication with students.

November 2019 – The Board approved the suspension of an educator’s license for a period of three (3) months due to inappropriate physical contact with a student.

The Recommendation:

The Board staff recommends that the Board approve the signed Consent Order submitted by the Respondent based upon the facts and applicable law and rules noted above.