
LaDaina England
Suspension, 6 Months with Professional Development

The Background:

Prior History: N/A

Facts: Ms. England was suspended on October 4, 2021, after a staff member reported that she forced a wheelchair and walker bound student to stand with only a whiteboard for assistance. Ms. England also held the student from under the arms, suspending him off the floor for several moments. Ms. England resigned her position.

Applicable

Rule: 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)(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)(e) provides that the Board may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for inappropriate physical contact.

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(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 a reasonable effort to protect the student from conditions harmful to learning or to health and safety.

T.C.A. § 49-5-1003(b)(9) provides that an educator shall not intentionally expose the student to embarrassment or disparagement.

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 **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.