
Brock J. Cobb
Suspension, 2 Years Concurrent with Probation

The Background:

Prior History: N/A

Facts: Mr. Cobb, a former band director with Montgomery County Schools, was investigated by the Office of the Comptroller of the Treasury for allegations of misappropriation of band field trip funds. The investigation discovered that during the period of August 1, 2019, through March 31, 2020, Mr. Cobb misappropriated band collections totaling at least \$2,750 and used the funds for his personal benefit. Mr. Cobb resigned his employment as band director with Montgomery County Schools effective June 22, 2020.

On July 6, 2021, the Montgomery County Grand Jury indicted Mr. Cobb on one count of Theft over \$2,500. On October 1, 2021, Mr. Cobb plead guilty under judicial diversion to T.C.A. § 39-14-103 Property Theft of \$2,500 or more, which is a Class D felony. Mr. Cobb was sentenced to two years of supervised probation beginning October 1, 2021.

Applicable Rule

/Law: T.C.A. § 49-5-1003(b)(1) provides that educators shall abide by all applicable federal and state laws.

T.C.A. § 49-5-1003(b)(11) provides that educators shall not use their professional relationship with the student for private advantage.

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)(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)(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)(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 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)(a) provides that 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 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)(1)(i) provides that 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)(iii) provides that an individual holding an educator's license who is found to have inappropriately used school property 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 suspend his educator license based upon these findings. Respondent received said notice. Respondent agreed to the suspension of his license concurrent with his probation, and upon the completion of a professional development course. The Board staff recommends that the Board approve the signed Consent Order submitted by the Respondent for the suspension of his license.

Board Action Consistency Considerations:

October 2021 – Board approved the suspension of an individual’s license for a period concurrent with probation with a plea taken pursuant to judicial diversion involving an investigation by the Office of the Comptroller of the Treasury.

April 2013 – Board approved the suspension of an individual’s license for a period concurrent with probation with a plea taken pursuant to judicial diversion.

July 2013 – Board approved the suspension of an individual’s license for a period concurrent with probation with a plea taken pursuant to judicial diversion.

July 2012 – Board approved the suspension of an individual’s license for a period concurrent with probation with a plea taken pursuant to judicial diversion.

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.