

**Blane Gregory
Denial**

The Background:

Prior History: N/A

Facts: On July 7, 2022, Mr. Gregory submitted an application to reactivate his educator license in Tennessee. On his application, Mr. Gregory indicated an affirmative response on the Personal Affirmation portion for a pending license action in another jurisdiction. On May 31, 2017, the North Carolina State Board of Education entered an order invalidating Mr. Gregory's teaching license, after he voluntarily surrendered it in lieu of pending criminal charges.

Applicable Law

/Rule: T.C.A. § 49-1-302(a)(5)(A) provides that the Board has the power to adopt rules and policies governing the qualifications, requirements and standards of and provide the licenses and certificates for all public school teachers, principals, assistant principals, supervisors and directors of schools.

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

T.C.A. § 49-5-1004(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)(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)(h) provides that the State Board of Education may refuse to issue or renew an educator's license for a denial, formal reprimand, suspension, or revocation of a license or certificate in another jurisdiction for reasons which would justify denial, formal reprimand, suspension, or revocation under this rule.

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

0520-02-03-.09(8)(a) provides that an individual who has been denied an educator license may reapply for a license at any point after denial provided the individual has complied with any terms imposed in the order of denial. If the individual indicates an affirmative answer on the personal affirmation section of the application for a Tennessee educator license, the individual shall show why the license should be issued despite the individual's affirmative answers. Issuance of a license is considered on a case-by-case basis and the burden of proof rests with the individual applying for the license. In the case of a felony conviction, the individual shall also show that any sentence imposed, including any pretrial diversion or probationary period has been completed. An application for issuance of a license may be denied if an action against the individual's license has been taken or is pending in another state.

0520-02-03-.09(8)(b) provides that there shall be a rebuttable presumption that any individual applying for an educator license who has committed an offense that would subject him or her to revocation or suspension shall be presumed ineligible to receive a Tennessee educator license.

Status: Respondent was notified by, both, USPS certified mail and electronic mail of the Board's intent to deny Respondent's application for licensure based upon these findings. Respondent was also provided Board policy with respect to requesting permission to speak on behalf of his Tennessee educator license application. Respondent received said notice.

Board Action Consistency Considerations:

July 2021 – The Board approved the denial of a license due to the applicant's educator license having been revoked in another jurisdiction.

August 2018 – the Board approved the denial of a license due to the applicant's educator license being actively suspended in another jurisdiction.

The Recommendation:

The Board staff recommends that the Board deny Respondent's educator license application based upon the facts and applicable rule noted above.