

Marion J. Martin
Formal Reprimand with Professional Development

The Background:

Prior History: N/A

Facts: Ms. Martin was reported by the Clarksville-Montgomery County School System for leaving an upset student behind in the classroom alone while she escorted her class to the buses for dismissal. Two (2) other nearby teachers intervened and got the student ready for dismissal. As the student is exiting the classroom with the other teacher, Ms. Martin returns, and grabs the student by the arm to walk her down the hall. Ms. Martin also admitted that she should not have pulled the student when the student was already compliant and walking down the hall towards the dismissal area.

Ms. Martin was suspended for two (2) days and issued a written reprimand by the school district.

Ms. Martin already completed the required professional development.

Applicable Law

/Rule: T.C.A. § 49-1-302(a)(5)(A)(iv) provides that the Board has the power to adopt rules and policies governing the discipline of licensed personnel for misconduct by formal reprimand or by the suspension and revocation of licenses and certificates.

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

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 formally reprimand Respondent's educator license and require professional development based upon these findings. Respondent received said notice. Respondent agreed to the formal reprimand of Respondent's license and completed the required professional development.

Board Action Consistency Considerations:

November 2020 – The Board approved the formal reprimand of an educator's license for grabbing arm of a student to redirect the student's behavior.

The Recommendation:

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