

**Brian Patrick Mason  
Denial**

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**The Background:**

*Prior History:* N/A

*Facts:* On April 28, 2022, Mr. Mason submitted an application for licensure in Tennessee. Mr. Mason answered yes to the personal affirmation question regarding whether he ever had a license formally reprimanded, suspended, or revoked in another jurisdiction. Mr. Mason held an active Professional Teachers License in Alaska at the time of application.

In Alaska, Mr. Mason was accused of taking photographs of two (2) female students. After being advised not to photograph students, Mr. Mason was again reported by several female students for the same conduct. Evidence of the misconduct was confirmed with a search of Mr. Mason's school issued laptop, along with other inappropriate images.

The State of Alaska issued a formal reprimand on Mr. Mason's Professional Teachers License in July 2018. Mr. Mason was required not to teach or work in any K-12 education employment setting until after April 18, 2020 (effectively an almost 2-year suspension), among other stipulations.

*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.

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.

T.C.A. § 49-5-1003(b)(14) provides that in fulfillment of this obligation to the student, an educator shall ensure interactions with the student take place in transparent and appropriate settings.

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.

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)(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 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(1)(n) defines School Property as any property owned, leased, managed, controlled, or under the custody of a state or local education agency, school system, or school.

0520-02-03-.09(3)(h) provides that the State Board of Education may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for 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 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)(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 deny Respondent's educator license application based upon these findings. Respondent was also provided Board policy with respect to requesting permission to speak on his behalf regarding his Tennessee educator license application. Respondent received said notice.

**Board Action Consistency Considerations:**

May 2022 – The Board approved the denial of a license due to the license being revoked in another state.

October 2021 – The Board approved the denial of a license with the stipulation that the educator complete the all the terms of his probation in another state before reapplying for licensure in Tennessee.

**The Recommendation:**

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