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**Daniel Middlebrooks  
Formal Reprimand**

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**The Background:**

*Prior History:* N/A

*Facts:* Mr. Middlebrooks was reported on July 27, 2021, for having inappropriate communications with a student. Mr. Middlebrooks asked a transgender student about the student's body and asked if the student is "all boy all over." The district suspended Mr. Middlebrooks for ten (10) days.

Mr. Middlebrooks was reported a second time on December 27, 2021, for having inappropriate communications and inappropriate physical contact with students. Mr. Middlebrooks was reported to have used threatening language by asking a nine-year-old student "Do you want to live to see ten?" and jokingly saying he would punch a student in the nose. It was also reported that Mr. Middlebrooks grabbed a student, who was running through the library, by the collar. The district suspended Mr. Middlebrooks for fifteen (15) days.

*Applicable Rule*

*/Law:* 0520-02-03-.09(1)(c) defines Formal Reprimand as a less harsh licensing action than the suspension, revocation, or denial of a license, which admonishes an educator for certain conduct under this rule. An educator who has been reprimanded by the Board shall receive a letter from the State Board of Education, which shall become part of the educator's state record and may become part of the educator's local record, indicating that the inappropriate conduct is discouraged and shall be subject to further disciplinary action if repeated.

0520-02-03-.09(1)(e) defines Inappropriate Communication (Non-Explicit) as any communication between an educator and a student that is beyond the scope of the educator's professional responsibilities. Examples of such non-explicit inappropriate communications include, but are not limited to, those communications that discuss the educator's or student's past or current romantic relationships; those that include the use of profanities or obscene language; those that are harassing, intimidating, or bullying; those that attempt to establish an inappropriate personal relationship with a student; and those that are related to personal or confidential information regarding another school staff member or student.

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(3)(e) provides 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 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 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)(5)(i) An individual holding an educator's license who is found to have engaged in non-explicit inappropriate communication with a student 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)(6)(i) An individual holding an educator's license who is found to have engaged in inappropriate physical contact with a 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 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 reasonable effort to protect the student from conditions harmful to learning or to health and safety.

T.C.A. § 49-5-1003(b)(8) provides that an educator shall make reasonable effort to protect the emotional well-being of the student.

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

T.C.A. § 49-5-1003(b)(19) provides educators shall maintain a professional approach with students at all times

*Status:* Respondent was notified by certified mail of the Board's intent to **formally reprimand** his educator license based upon these findings. Respondent received said notice.

**Board Action Consistency Considerations:**

July 2020 – Board approved the formal reprimand of an educator's license after the educator made comments about the student's unkempt hair and dirty clothes.

**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.