
Warren Spencer Sullivan
Suspension, Three (3) Months Retroactive with Professional Development

The Background:

Prior History: N/A

Facts: Mr. Sullivan was reported by Jefferson County Schools for allegations of inappropriate communication. Mr. Sullivan admitted to having conversations with students that were outside the scope of his duties as an educator. Mr. Sullivan admitted to overhearing conversations from students of a sexual nature and Mr. Sullivan did not step in to stop and redirect the conversation to more appropriate topics. Mr. Sullivan also admitted to making an inappropriate sexual joke in the presence of students.

Mr. Sullivan agreed to and was suspended by Jefferson County Schools for eight (8) days without pay.

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)(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)(15) provides that in fulfillment of this obligation to the student, an educator shall not engage in any sexually related behavior with the student, whether verbal, written, physical, or electronic, with or without the student's consent. Sexually related behavior includes, but is not limited to, behaviors such as making sexual jokes or sexual remarks; engaging in sexual kidding, sexual teasing, or sexual innuendo; pressuring the student for dates or sexual favors; engaging in inappropriate physical touching, groping, or grabbing; kissing; rape; threatening physical harm; and committing sexual assault.

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 in fulfillment of this obligation to the profession, educators shall conduct themselves in a manner that preserves the dignity and integrity of the education profession.

0520-02-03-.09(1)(d) defines Inappropriate Communication (Explicit) as any communication between an educator and a student that describes, represents, or alludes to sexual activity or any other illegal activity. This includes, but is not limited to, communication defined as sexual misconduct under T.C.A. § 49-5-417, communication defined as sexually related behavior under T.C.A. § 49-5-1003(b)(15), and communication that would encourage illegal activity such as encouraging the use or purchase of illegal substances.

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)(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(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)(i) provides that 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)(5)(ii) provides that an individual holding an educator's license who is found to have engaged in inappropriate communication of an explicit nature with a student shall be subject to permanent 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 retroactively suspend Respondent's educator license for **three (3) months beginning retroactively from the date of action by the district, March 2, 2022, through June 2, 2022**, and require professional development in appropriate student communication or boundaries based upon these findings. Respondent received said notice. Respondent agreed to the retroactive suspension of Respondent's license and required professional development.

Board Action Consistency Considerations:

February 2021 – The Board approved the three (3) month retroactive suspension of an educator's license for inappropriate communications that included referencing matters of a sexual nature.

July 2020 – The Board approved a formal reprimand an educator's license for showing a video to students from when the educator was on a talk show to determine if the educator was the parent of a child, and the video described a sexual encounter.

The Recommendation:

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