

**Tracy Shaw
Restoration**

The Background:

Prior History: In May 2013, Ms. Shaw entered into a pretrial diversion agreement with the United States District Court Eastern District of Wisconsin as a result of criminal charges for fraud in furtherance of her role in a PRAXIS testing scheme in which Ms. Shaw hired an individual to sit for the exam on her behalf. Ms. Shaw used the fraudulent passing scores to obtain her Tennessee educator license. On October 25, 2013, the Board ordered the revocation of Ms. Shaw's Tennessee educator license with the ability to reapply after 3 years. Ms. Shaw applied for restoration on January 14, 2020. Included in her application were letters of recommendation and proof that she had successfully completed the terms of her criminal probation. Ms. Shaw was unable to provide her own passing exam scores and was denied restoration as a result.

Facts: On September 13, 2022, Ms. Shaw submitted a second application for restoration. As part of her application, Ms. Shaw provided proof of passing PRAXIS scores. She submitted proof that she has completed the requirements of her criminal probation as of December 20, 2014. Ms. Shaw also provided letters of recommendation, a potential job opportunity should her license be restored, and certification of community service hours. Ms. Shaw has no license action pending in another state.

Applicable Rule: 0520-02-03-.09(3)(a) (3)(d), (3)(i) and (3)(j) provides that the Board may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for conviction of a felony, falsification or altering of a license or documentation required for licensure, other good cause as defined in subparagraph (1)(k) of this rule, or any offense contained in paragraph (5) of this rule.

0520-02-03-.09(7)(b)(1) provides an individual whose license has been revoked under this rule may apply to the State Board to have the license restored upon application showing that the cause for revocation no longer exists and that the person has complied with any terms imposed in the order of revocation. To show the cause no longer exists, the individual shall show cause why the license should be restored despite the misconduct that resulted in the individual's license being revoked. The individual shall provide evidence of rehabilitation and fitness to perform the duties authorized and required by the license sought. In the case of a felony conviction, the individual shall also show that any sentence imposed, including any pre-trial diversion or probationary period, has been completed. Application for such restoration shall be made to State Board counsel.

0520-02-03-.09(7)(b)(3) provides in any deliberation by the Board of Education to restore a license that has been revoked, there shall be a rebuttable presumption that an

individual whose license has been revoked is unfit for licensure. Nothing in this rule is intended to guarantee restoration of a license.

0520-02-03-.09(7)(b)(4) provides Restoration of an educator license is considered on a case-by-case basis. The burden of proof rests with the individual applying for restoration of the license. An application for restoration may be denied if an action against the individual's educator license has been taken or is pending in another state.

SBE Policy 5.500(3)(a) states The case review committee and/or the Board may consider (but is not limited to) the following in reviewing restoration applications:

- i. The likelihood of present harm or potential for continuing harm to students, parents of students or school personnel;
- ii. Details of the offense(s) which led to the disciplinary action:
 1. Terms of any sentence imposed, including probation, community service, etc.;
 2. Amount of time that has passed since the arrest;
 3. The relationship between the offense and the duties and responsibilities of the education profession; and
 4. Likelihood of recurrence (as shown, for example, by lack of remorse or lack of rehabilitative motivation or potential);
- iii. Attempted concealment of misconduct, including failure to report any criminal charges on an initial license application;
- iv. Prior misconduct of a similar or related nature (including prior criminal history);
- v. Compliance with any terms imposed in a voluntary withdrawal of a license application, voluntary surrender of a license, or suspension.
- vi. Rulings on restoration applications under similar circumstances .
- vii. Evidence of rehabilitation relevant to the conduct that resulted in disciplinary action, such as:
 1. Completion of any sentence imposed, including probation;
 2. Participation in counseling, self-help support groups, community service;
 3. Gainful employment subsequent to the conduct; and
 4. Family and community support (shown, for example, through affidavits or letters of character from community or religious organizations)
- viii. Fitness for practice as an educator:
 1. Continuing education since discipline was imposed;
 2. Offers of employment for educational positions; and
 3. Letters of recommendation for educational positions.
- ix. Any other relevant factors.

Status: The Applicant was notified by electronic mail of the Board's intent to restore her educator license based upon these findings. The Applicant received said notice.

Board Action Consistency Considerations:

November 2019 – Board restored an educator's license after being revoked due to involvement in PRAXIS exam conspiracy. The educator took the PRAXIS exam on behalf of applicants for a Tennessee educator license and pleaded guilty to Conspiracy to Defraud the United States in 2012.

May 2019 - Board restored an educator's license after being revoked due to involvement in PRAXIS exam conspiracy. The educator paid a surrogate to take the PRAXIS exam, but prior to applying for restoration took and passed the exam on his own.

February 2019 - Board restored an educator's license after being revoked due to involvement in PRAXIS exam conspiracy. The educator took the PRAXIS exam on behalf of applicants for a Tennessee educator license and pleaded guilty to Conspiracy to Defraud the United States in 2012.

May 2020 – Board restored an individual's license after being revoked due to involvement in the PRAXIS scheme. The educator paid a surrogate to take the PRAXIS exam, but prior to applying for restoration took and passed the exam on his own.

May 2021 – Board restored an individual's license after being revoked due to involvement in the PRAXIS exam conspiracy. The educator was the ringleader in a scheme that assisted at least 40 educators in the unauthorized practice of teaching by hiring surrogates to sit for the PRAXIS exams.

The Recommendation:

Board counsel recommends that Applicant's license be restored based upon the facts and applicable policies noted above.