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Devin Dwight Thomas  
Voluntary Surrender

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**The Background:**

*Prior History:* N/A

*Facts:* Mr. Thomas was reported by Hawkins County Schools for inappropriate communication with a student. Upon investigation, it was determined that Mr. Thomas inappropriately communicated with female students via text, including late at night. Mr. Thomas made comments that were not related to school or coaching to the students. Mr. Thomas also asked a student to send him pictures of the student.

Although Mr. Thomas's behavior did not result in criminal charges, the Hawkins County Sheriff's department did uncover troubling behavior that they thought should disqualify Mr. Thomas from teaching in the future.

Mr. Thomas resigned his position with Hawkins County Schools.

*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)(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)(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)(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)(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)(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)(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 revoke Respondent’s educator license based upon these findings. Respondent received said notice.

**Board Action Consistency Considerations:**

July 2022 – The Board approved the voluntary surrender of an educator’s license for inappropriate communications and inappropriate physical contact with students where the alleged comments and physical contact by the educator made them uncomfortable.

May 2021 – The Board approved the voluntary surrender of an educator’s license for inappropriate communication with a student via text where the messages were inappropriate for a teacher-student relationship and went beyond the scope of a teacher-student relationship.

July 2019 – The Board approved the voluntary surrender of an educator’s license for engaging in inappropriate communications with students.

**The Recommendation:**

Board counsel recommends that the Board approve the signed Consent Order submitted by Respondent for the voluntary surrender of Respondent’s license based upon the facts, and applicable laws and rules noted above.