

**Todd Vinson**  
**Suspension, 3 Months with Professional Development**

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**The Background:**

*Prior History:* N/A

*Facts:* Mr. Vinson is alleged to have stuck a skittle up a student's nose as a form of punishment after the student threw it across the room. He is also alleged to have made inappropriate and demeaning comments to a student. Mr. Vinson denies the allegations but admits he may have acted unprofessionally.

*Applicable Rule  
/Law:*

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(1)(p) defines Suspension as the nullification of an educator's license for a predetermined term, after which the license may be reinstated. Reinstatement may be subject to the completion of terms and conditions contained in the order of suspension.

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 suspend his educator license based upon these findings. Respondent received said notice.

**Board Action Consistency Considerations:**

November 2019 – Board approved the 3 month suspension of an educator's license after the educator slapped an unruly student on the shoulder to redirect behavior.

July 2020 – Board approved the 3 month suspension of an educator's license after the educator allowed teaching assistant to put essential oils in a student's cocoa.

**The Recommendation:**

Board counsel recommends the Board approve the signed Consent Order submitted by the Respondent for a three (3) month suspension of Respondent's license with professional development based upon the facts and applicable rule noted above.