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**Edwin Duarte**  
**Suspension, Three (3) Months Retroactive**

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**The Background:**

*Prior History:* N/A

*Facts:* On September 15, 2023, Mr. Duarte attended dinner with members of the soccer team he coached. Mr. Duarte consumed alcoholic beverages while at dinner. After dinner, Mr. Duarte transported two (2) players to their respective homes in his personal vehicle. Mr. Duarte was reprimanded, suspended for three (3) days, and removed from his coaching position.

*Applicable Law  
/Rule:*

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(1)(o) defines “School Related Activity” as any activity in which a student participates, including but not limited to classes, meetings, extracurricular activities, clubs, athletics, and field trips, sponsored by the school, state educational agency, or local educational agency.

0520-02-03-.09(3)(c) provides that the State Board of Education may revoke, suspend, formally reprimand, or refuse to issue or renew an educator’s license for being on school premises, school property, at a school-related activity involving students, or on official school business, while possessing, consuming, or under the influence of alcohol or illegal drugs.

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)(iii) provides that an individual holding an educator’s license who is found to be in possession of, consuming, or under the influence of alcohol or illegal substances while not on school premises or property, but while participating in school related activities with children present, shall be subject to a disciplinary action within the range of suspension for not less than one (1) year up to and including revocation.

0520-02-03-.09(5)(a)(9) 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.

T.C.A. § 49-5-1003(b)(7) provides 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)(18) provides an educator shall refrain from the use of alcohol while on school or LEA premises or during a school activity at which students are present.

T.C.A. § 49-5-1003(b)(19) provides that educators shall, "Maintain a professional approach with the student at all times.

T.C.A. § 49-5-1004(c)(2) provides that educators shall conduct themselves in a manner that preserves the dignity and integrity of the education profession.

*Status:* Respondent was notified by certified mail of the Board's intent to **suspend** Respondent's educator license based upon these findings. Respondent received said notice and agreed to the suspension of Respondent's license.

**Board Action Consistency Considerations:**

May 2023 – Board approved the three-month suspension of an educator's license for being at a school related activity while students were present after consuming alcohol and while in possession of alcohol.

**The Recommendation:**

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