

Gary Dugger
Voluntary Permanent Surrender

The Background:

Prior History: N/A

Facts: Mr. Dugger admitted to engaging in an inappropriate relationship with an eighteen (18) year old student during the 2022-2023 academic year.

Applicable Law

/Rule: 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. This shall not be construed to prevent an educator from communication regarding sexual or illegal activities for educational purposes such as in teaching family-life curriculum pursuant to T.C.A. §§ 49-6-1307 et seq. or drug abuse resistance education pursuant to T.C.A. § 49-1-402 or to prevent an educator from upholding the educator’s obligation as a mandatory reporter of child abuse, neglect, or child sexual abuse.

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, improper restraint or isolation of a student receiving special education services, and rough housing.

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)(e) provides that 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 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.

0520-02-03-.09(5)(a)(6)(i) provides, "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)(ii) provides, "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)(7)(i) provides, "an individual holding an educator's license who is found to have engaged in inappropriate physical contact with a student that does not result in harm or potential harm to the 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)(9)(i) 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) states that educators 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) states that educators shall "not intentionally expose the student to embarrassment or disparagement."

T.C.A § 49-5-1003(b)(14) states that educators shall "ensure interactions with the student take place in transparent and appropriate settings."

T.C.A § 49-5-1003(b)(15) states that educators 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) states that educators shall "maintain a professional approach with the student at all times."

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

Board Action Consistency Considerations:

February 2024 – Board approved the voluntary surrender of an educator's license after the educator had an inappropriate relationship with a student.

October 2021 – Board approved the voluntary surrender of an educator's license after the educator became emotionally involved with a student.

May 2021 – Board approved the voluntary permanent surrender of an educator's license after the educator had an inappropriate relationship with a student.

The Recommendation:

Board counsel recommends the Board approve the signed Consent Order submitted by the Respondent for the voluntary permanent surrender of Respondent's license based upon the facts and applicable rule noted above.