

**Linda Peters**  
**Suspension, Three (3) Months Retroactive with Professional Development**

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**The Background:**

*Prior History:* N/A

*Facts:* Ms. Peters, a special education teacher, was suspended for her actions while relocating a high school aged special needs student from her classroom to an isolation room. The student was combative with students and staff, and destructive with school property. The student resisted being relocated and upon entering the isolation room, the student bit and hit the other educator assisting Ms. Peters, prompting Ms. Peters to intervene. Ms. Peters yelled at the student and attempted to pull the student away, resulting in Ms. Peters and the student forcefully falling to the floor.

*Applicable Law*

*/Rule:* 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 the State Board may revoke, suspend, formally reprimand, or refuse to issue or renew an educator’s license for inappropriate physical contact.

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(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)(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) 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 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) states an educator shall not “intentionally expose the student to embarrassment or disparagement.”

T.C.A. § 49-5-1003(b)(19) states an educator shall “maintain a professional approach with the student at all times.”

*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:**

July 2022 – Board approved the three (3) month suspension, with professional development, of an educator’s license for inappropriate physical contact with a student that did not result in harm, specifically for using an unjustified and improper restraint on a student.

#### **The Recommendation:**

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