
Bernadette James
Suspension, 1 Year Concurrent with Probation

The Background:

Prior History: N/A

Facts: Ms. James pled guilty to five (5) counts of falsifying of educational and academic records pursuant to T.C.A § 39-14-136 after she admitted to deleting a dual enrollment course and grade from her son's high school transcript. An order of judicial diversion was entered on October 26, 2021, sentencing her to probation which is set to end on October 25, 2022.

Applicable Rule

/Law: T.C.A § 49-5-1101 provides (a) (1) A student transcript shall not be altered by any employee of an LEA, charter school, or virtual school unless the LEA, charter school, or virtual school has a written policy governing student transcript alterations. All transcript alterations shall be made in accordance with the LEA, charter school, or virtual school policy governing student transcript alterations. (2) An LEA, charter school, or virtual school policy governing student transcript alterations must require any student transcript alteration to be supported by documentation providing an explanation of the reason for the transcript alteration and evidence that the student has earned the grade reflected in the altered transcript. **(c) Any person who intentionally violates this section may be subject to disciplinary action, including, but not limited to, revocation of a professional educator license or certification issued by the DOE, and may be subject to prosecution for falsification of educational or academic records under § 39-14-136.**

0520-02-03-.09(1)(a) defines Conviction as a judgment entered by a court upon a plea of guilty, a plea of nolo contendere, a finding of guilt by a jury or the court notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment. Conviction includes, but is not limited to, a conviction by a federal court or military tribunal, including a court-martial conducted by the armed forces of the United States, and a conviction, whether upon a plea of guilty, a plea of nolo contendere, or a finding of guilt by a jury or the court, in any other state of the United States, other jurisdiction, or other country. Conviction also includes a plea taken in conjunction with Tennessee Code Annotated ("T.C.A.") § 40-35-313 or its equivalent in any other jurisdiction.

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 is reinstated. Reinstatement may be subject to the completion of terms and conditions contained in the order of suspension.

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)(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)(10)(C) provides that an educator shall not on the basis of....family background...., unfairly grant any advantage to the student.

T.C.A. § 49-5-1004(c) provides 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** her educator license based upon these findings. Respondent received said notice.

Board Action Consistency Considerations:

N/A

The Recommendation:

The Board staff recommends that the Board approve the signed Consent Order submitted by the Respondent based upon the facts and applicable rule noted above.