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8-8-2012

BOARD OF EDUCATION, Petitioner, vs.
TINELLA BARNES, Respondent

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BEFORE THE TENNESSEE STATE BOARD OF EDUCATION

IN THE MATTER OF:)	
)	
BOARD OF EDUCATION)	
Petitioner)	
)	
v.)	Docket No. 07.01-117372J
)	
TINELLA BARNES)	
Respondent)	

INITIAL ORDER

This contested case hearing came to be heard on August 8, 2012, in Nashville, Tennessee before Thomas G. Stovall, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, sitting on behalf of the Tennessee State Board of Education (Board). Dannelle Walker, General Counsel, represented the Board. The Respondent Tinella Barnes was present and represented by counsel, Elizabeth Rankin of Clarksville, Tennessee.

The subject of the hearing is whether the Respondent’s teaching license should be suspended for six (6) months for consuming alcohol on a school related trip in violation of Tennessee Board of Education Rule No. 0520-2-4-.01(9)(b)(3). After consideration of the entire record it is determined that while the Respondent did violate the Rule there should be no sanction imposed against her teaching license. This decision is based upon the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The Respondent is licensed by the Board as a teacher and has 23 years of experience as a classroom teacher. She has been employed by the Clarksville/Montgomery County School System for 20 years, all of which time she has worked at Northeast High School (Northeast) in

Clarksville. She teaches computer application and business. The Respondent has never been the subject of any previous disciplinary action.

2. The Respondent is faculty advisor to the Future Business Leaders of America (FBLA) student group at Northeast. On April 17, 2012, the Respondent was chaperoning a group of her students from Northeast at an FBLA competition in Chattanooga. The Respondent joined another faculty chaperone from the Clarksville/Montgomery County School System and some of the other teacher's students for dinner at a restaurant across the street from the hotel where they were staying. This teacher and her students were from Montgomery Central High School. None of the Respondent's students from Northeast accompanied her to the restaurant. While having dinner at the restaurant the Respondent ordered and consumed one beer.

3. Later that evening the teacher from Montgomery Central High School told the Respondent that one of the students at the restaurant told his mother the Respondent had consumed a beer at dinner. The following morning the Respondent apologized to the student and then telephoned the student's mother to apologize to her. The Respondent stated that both seemed to accept her apology.

4. Upon returning to Clarksville the Respondent self reported the incident to her principal, Ms. Gallea Jefferies. The matter was referred to the Clarksville/Montgomery County School System Human Resources Director and ultimately to Michael Harris the Director of Schools. Mr. Harris suspended the Respondent from May 2-23, 2012, (14 work days) for conduct unbecoming a member of the teaching profession. The Respondent did not appeal this suspension.

5. Upon request of her principal Ms. Jefferies, the Respondent provided assistance to the substitute teacher placed in her classroom during the period of her suspension. The Respondent

testified that while she was not required to assist the substitute teacher she did so in an attempt to minimize the impact her suspension would have on her students as the school year ended.

6. Although the Respondent testified she believed she was on her “own time” while at dinner and away from her students she now concedes she made a serious error in judgment. She stated she would not have consumed a beer at dinner had any of her students been with her.

7. The Respondent has returned to teaching at Northeast this school year. The principal Ms. Jefferies stated that even if the Respondent’s license is suspended as a result of this proceeding she would allow her to return to her position at the school after the period of suspension ends.

APPLICABLE LAW

1. Tennessee State Board of Education Rule 0520-2-4-.01(9)(b) provides for the revocation or suspension of a teaching license for:
 - (3) Being on school premises or at a school-related activity involving students while documented as being under the influence of, possessing or consuming alcohol or illegal drugs;

CONCLUSIONS OF LAW

1. The Board has carried its burden of proof by a preponderance of the evidence that the Respondent consumed alcohol while at a school related activity in violation of Rule 0520-2-4-.01(9)(b)(3). The Respondent was the faculty advisor and chaperone for her students on an overnight trip to Chattanooga. She was responsible for the students at all times. Consequently, the entire time she was on the trip, including her meal time when none of her students were present, she was involved in a school related activity and was prohibited from consuming alcohol.

2. The difficult issue in this case is what if any sanction should be imposed by the Board against the Respondent's teaching license. The Board is seeking a six (6) month suspension of the Respondent's license. After consideration of all factors in this case it is determined that a sanction against the Respondent's license by the Board is not warranted. Significant consideration is given to the decision of the Clarksville/Montgomery County School System and her principal Ms. Jefferies, the people who work with the Respondent and know her best. The Respondent could have been terminated by the director of schools, but instead received a 14 day suspension. This suspension will remain on her professional record for the balance of her career. Her principal could have refused to allow her to return to her teaching position at Northeast, but she did not. Ms. Jefferies went so far as to say that even if the Respondent's license were to be suspended for six (6) she would be permitted to return as a teacher at Northeast. The Respondent is an excellent teacher who made a mistake. She has received significant punishment for her transgression. A suspension of her license by the Board is not appropriate.

3. Based upon the foregoing, it is hereby **ORDERED** that Respondent's teacher's license **SHALL NOT BE SANCTIONED**.

This Initial Order entered and effective this 17 day of August, 2012

Thomas G. Stovall
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 17 day of August, 2012

Thomas G. Stovall, Director
Administrative Procedures Division