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Michael Sirles vs. State Board of Education

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BEFORE THE TENNESSEE STATE BOARD OF EDUCATION

IN THE MATTER OF:

MICHAEL T. SIRLES,  

Respondent.

DOCKET NO: 07.01-122626A

INITIAL ORDER

This matter came to be heard on October 23, 2013, before Lynn M. England Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, to sit for the Tennessee State Board of Education (the Board). The Board was represented at the hearing by General Counsel Dannelle Walker, Esq. The Grievant was represented by Mary B. Langford, Esq.

The issue presented by this hearing is whether the Board should revoke the Respondent’s teacher’s license for having an inappropriate relationship with a student.

The State asserts that Respondent Sirles’ license should be revoked pursuant to T.C.A. §49-1-607 and RULE 0520-02-04-.01, RULES OF THE STATE BOARD OF EDUCATION, TENN. COMP. R & REG. CH. 0520-02-04.

TENN. COMP. R. & REGS. 0520-2-4-.01(9)(b), the State Board of Education may revoke, suspend, reprimand formally, or refuse to issue or renew a license for the following reasons:

1. Conviction of a felony,
2. Conviction of possession of narcotics,
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,
4. Falsification or alteration of a license or documentation required for licensure,
5. Denial, suspension or revocation of a license or certificate in another jurisdiction for reasons which would justify denial, suspension or revocation under this rule, or
6. **Other good cause.** Other good cause shall be construed to include noncompliance with security guidelines for TCAP or successor tests pursuant to Tenn. Code Ann. § 49-1-607, default on a student loan pursuant to Tenn. Code Ann. § 49-5-108(d)(2) or failure to report under part (e).

After consideration of the evidence and argument of the Parties, it is determined that the Board has proven by a preponderance of the evidence that the Respondent had an inappropriate relationship with a student and his license was properly revoked.

This decision is based upon the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. At all relevant times, Respondent was duly licensed by the State Board of Education as a teacher in the State of Tennessee.

2. The Respondent was employed for seven (7) years by the Sumner County school system as an English teacher at Portland High School.

3. Respondent’s relationship with one of his female students began in the fall of the 2011-2012 school year, shortly after she turned 18 years of age. The relationship began with lingering hugs, and proceeded to hand holding, touching of her neck and hair. It culminated the last few weeks of school with kissing and fondling in his classroom closet.

4. Respondent by his own admission knew this relationship was inappropriate in that “it exceeded my levels of comfort and my own professionalism”.

5. The Respondent resigned his position with Sumner County school system the first day of school of the 2012-2013 school year, after the relationship was reported to school officials.

**RELEVANT LAW**

1. The State Board of Education, as the party seeking to “change the present state of affairs,” has the burden of proof, pursuant to TENN. COMP. R. & REGS. 1360–4–1–
.02(7), to prove by a preponderance of the evidence that the Board’s revocation of a Tennessee teaching license is appropriate.

2. Pursuant to TENN. COMP. R. & REGS. 0520-2-4-.01(9)(b), the State Board of Education may revoke, suspend, reprimand formally, or refuse to issue or renew a license for the following reasons:

1. Conviction of a felony,
2. Conviction of possession of narcotics,
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,
4. Falsification or alteration of a license or documentation required for licensure,
5. Denial, suspension or revocation of a license or certificate in another jurisdiction for reasons which would justify denial, suspension or revocation under this rule, or
6. Other good cause. Other good cause shall be construed to include noncompliance with security guidelines for TCAP or successor tests pursuant to Tenn. Code Ann. § 49-1-607, default on a student loan pursuant to Tenn. Code Ann. § 49-5-108(d)(2) or failure to report under part (e).

(Emphasis added).

ANALYSIS AND CONCLUSIONS OF LAW

1. Under the rules of the Tennessee Board of Education, revocation of a teaching license for other good cause is permissible. Having an inappropriate relationship with a student is good cause.

2. There is no doubt the Respondent used his position of authority to engage in an inappropriate relationship with a female student. It does not matter if she was willing or if she was eighteen (18) years of age. He knew what he was doing was wrong when he did it and for that reason his teaching license should be revoked.

3. Based upon the preponderance of the evidence entered in this matter it is determined that Respondent’s teaching license should be revoked.
Accordingly, it is ORDERED that the Respondent’s teaching license is hereby REVOKED.

It is so ORDERED.

This INITIAL ORDER entered and effective this the ____day of January, 2014.

_________________________________
LYNN M. ENGLAND
ADMINISTRATIVE JUDGE

Filed in the Administrative Procedures Division, Office of the Secretary of State, this the _______ day of ____________________ 2014.

J. Richard Collier
J. RICHARD COLLIER, DIRECTOR
ADMINISTRATIVE PROCEDURES DIVISION