

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-02-03
EDUCATOR LICENSURE**

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(1) Definitions and Examples:

- (a) Conviction - Conviction on a plea of guilty, a plea of [no contest] or an order granting diversion under T.C.A. §§ 40-15-101 *et seq.* or 40-35-313.
- (b) Formal Reprimand - A less harsh licensing action than the suspension, revocation, or denial of a license. A teacher who has been reprimanded by the Board will receive a letter from the State Board of Education, which will become part of the educator's state and local record, indicating that the inappropriate conduct is discouraged and shall be subject to further disciplinary action if repeated.
- (c) Inappropriate Communication (Explicit) - Any communication that describes, represents, or alludes to sexual activity or any other illicit activity.
- (d) Inappropriate Communication (Non-Explicit) – 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 teaching staff member's or student's past or current romantic relationships; those that include the use of profanities, obscene language, lewd comments; those that are harassing, intimidating, or bullying; those that attempt to establish a personal relationship with a student; and those that are related to personal or confidential information regarding another school staff member or student.
- (e) Inappropriate Physical Contact - Unnecessary and unjustified physical contact with a student. Examples of such unnecessary and unjustified contact include, but are not limited to sexual contact, physical altercations, horseplay, tickling, improper use of corporal punishment, and rough housing.
- (f) Major Testing Breach - A breach of test security that results in nullification of test scores.

- (g) Minor Testing Breach - A breach of test security that does not result in nullification of any test scores.
 - (h) Negligence - Failure to exercise the care toward others which a reasonable or prudent person would do in the circumstances, or taking action which such a reasonable person would not.
 - (i) Official School Business – Any activity undertaken by an educator in an official capacity and in connection with the educator’s employment.
 - (j) Other Good Cause – Conduct that calls into question the fitness of an educator to hold a license including, but not limited to, noncompliance with security guidelines for Tennessee Comprehensive Assessment Program (TCAP) or successor tests pursuant to T.C.A. § 49-1-607, failure to report licensure actions under part (2), or violation of any provision in the Teacher Code of Ethics as contained in T.C.A. § 49-5-1003.
 - (k) Permanent Revocation – The nullification of an educator’s license without eligibility for future reinstatement.
 - (l) School Premises – Any property owned, leased, managed, or controlled by a state or local education agency, school system, or school.
 - (m) School Property – Any property owned, leased, or under the custody of a school or local education agency.
 - (n) School Related Activity – Any activity including, but not limited to, classes, meetings, extracurricular activities, clubs, athletics, and field trips, sponsored by the school, state educational agency, or local educational agency that a student participates in.
 - (o) Suspension – The nullification of an educator’s license for a predetermined term, after which the license is automatically reinstated. Reinstatement may be subject to the completion of terms and conditions contained in the order of suspension.
 - (p) Revocation – The nullification of an educator’s license for a period of at least five years, after which an educator may petition the State Board for reinstatement.
- (2) Notification of Office of Educator Licensing - It is the responsibility of the superintendent of the employing public or non-public school or school system to inform the Office of Educator Licensing of licensed teachers or administrators who have been suspended or dismissed, or who have resigned, following allegations of conduct which, if substantiated, would warrant consideration for license suspension or revocation under parts (1) or (2). The report shall be submitted within thirty (30) days of the suspension, dismissal or resignation. The superintendent shall also report felony convictions of licensed teachers or administrators within thirty (30) days of receiving knowledge of the conviction. School systems have a duty to respond to State Board inquiries and provide to the State Board any available documentation requested concerning the allegations contained in the notice.
- (3) The State Board of Education may revoke, suspend, formally reprimand, or refuse to issue or renew an educator’s license for the following reasons:

- (a) Conviction of a felony;
- (b) Conviction of possession of illegal drugs;
- (c) Being on school premises, at a school-related activity involving students, or on official school business, while under the influence of, possessing, or consuming alcohol or illegal drugs;
- (d) Falsification or altering of a license or documentation required for licensure;
- (e) Inappropriate physical contact with a student;
- (f) 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
- (g) Other good cause as defined in section (1)(j) of this rule.

(4) Disciplinary Actions

- (a) Automatic Revocation of License – The State Board of Education shall automatically revoke, without the right to a hearing, the license of a licensed teacher or administrator upon receiving verification of the identity of the teacher or administrator together with a certified copy of a criminal record showing that the teacher or school administrator has been convicted of any offense listed at T.C.A. §§ 40-35-501(i)(2), 39-17-417, a sexual offense or a violent sexual offense as defined in 40-39-202, any offense in title 39, chapter 13, 39-14-301 and 39-14-302, 39-14-401 and 39-14-404, 39-15-401 and 39-15-402, 39-17-1320, or any other offense in title 39, chapter 17, part 13 (including conviction for the same or similar offense in any jurisdiction). The Board will notify persons whose licenses are subject to automatic revocation at least thirty (30) days prior to the Board meeting at which such revocation shall occur.
- (b) Automatic Suspension of License - The State Board of Education shall automatically suspend the license of a licensed teacher or administrator for the following offenses:
 - 1. Default on a student loan pursuant to T.C.A. § 49-5-108(d)(2); or
 - 2. Failure to comply with an order of support for alimony or child support, pursuant to TCA §36-5-706.
- (c) For the following categories of offenses, the State Board of Education shall impose uniform disciplinary action as detailed below:
 - 1. Conviction of a felony
 - (i) Upon receiving notification that an individual has been convicted of a felony, the board may revoke the convicted individual's educator license.
 - 2. Use or possession of alcohol or illicit substances

- (i) An individual holding an educator's license who is found to be in possession of, or otherwise using, alcohol or illicit substances while on school grounds when children are present shall be subject to a disciplinary action within the range of suspension for not less than one (1) year up to and including revocation.
- (ii) An individual holding an educator's license who is found to be in possession of, or otherwise using, alcohol or illicit substances while on school grounds when children are not present shall be subject to a disciplinary action within the range of suspension for not less than one (1) year up to and including revocation.
- (iii) An individual holding an educator's license who is found to be in possession of, or otherwise using, alcohol or illicit substances while not on school grounds, but while participating in school related activities with children present, shall be subject to a disciplinary action within the range of suspension for not less than one (1) year up to and including revocation.
- (iv) An individual holding an educator's license who is found to be in possession of, or otherwise using, alcohol or illicit substances while not on school grounds, but participating in school related activities without children present, shall be subject to a disciplinary action within the range of suspension for not less than six (6) months and not to exceed two (2) years.

3. Negligence in the commission of duties as an educator

- (i) An individual holding an educator's license who is found to be negligent in his or her commission of duties as an educator in such a manner that does not result in harm to a child shall be subject to a disciplinary action within the range of a letter of formal reprimand up to and including a two-year suspension.
- (ii) An individual holding an educator's license who is found to be negligent in their commission of duties as an educator in such a manner that results in harm to a child, shall be subject to a disciplinary action within the range of suspension for no less than one year up to and including revocation.

4. Testing breaches

- (i) An individual holding an educator's license who is found to have committed a major testing breach shall be subject to a disciplinary action within the range of a letter of formal reprimand up to and including a suspension not to exceed one (1) year.
- (ii) An individual holding an educator's license who is found to have committed a major testing breach shall be subject to a disciplinary action

within the range of a suspension of no less than one year up to and including revocation.

5. Unprofessionalism

- (i) An individual holding an educator's license who is found to have administered inappropriate disciplinary measures to a student shall be subject to a disciplinary action within the range of a suspension for no less than one (1) year up to and including revocation.
- (ii) 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.
- (iii) 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 revocation.
- (iv) An individual holding an educator's license who is found to have inappropriately used school property 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.

6. Similar offenses - Actions related or similar to the above-enumerated offenses shall carry recommended disciplinary action commensurate with the range established for the similar offense.

7. Nothing in this part shall prevent a teacher or principal from exercising his or her lawful authority to reasonable force when necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another person pursuant to 49-6-4107.

8. Repeated violations - Individuals holding an educator's license who are subject to multiple disciplinary actions by the Board, shall face disciplinary action in excess of the recommended ranges. A third violation, regardless of severity, shall be subject to recommendation for revocation.

9. Nothing in this rule shall prohibit the State Board from imposing a disciplinary action outside of the uniform discipline range upon good cause shown in extraordinary circumstances.

(5) Restoration of License

(a) Suspension

1. A person whose license has been suspended shall have his or her educator's license restored after the period of suspension has been completed, and, where applicable, the person has complied with all terms prescribed by the State Board.

Suspended licenses are subject to the expiration and renewal rules of the State Board.

(b) Denial or Revocation

1. A person whose license has been denied or revoked under parts (3) or (4) of this rule may apply to the State Board to have the license issued or restored upon application showing that the cause for denial or revocation no longer exists and that the person has complied with any terms imposed in the order of denial or revocation. In the case of a felony conviction, before an application will be considered, the person must also show that any sentence imposed, including any pre-trial diversion or probationary period, has been completed. Application for such issuance or restoration shall be made to the Office of Educator Licensing and forwarded to State Board counsel.
2. A person whose license has been revoked under parts (3) or (4) of this rule shall not be eligible to reapply for licensure for a period of no less than five (5) years from the time at which the license was initially revoked.
3. In any deliberation by the Board of Education to restore a license that has been revoked, there will be a rebuttable presumption that a teacher whose license has been revoked is unfit for licensure. Nothing in this section is intended to guarantee restoration of a license.

(c) Permanent Revocation

1. An educator whose license is revoked under part (4)(vi) of this rule or for any other offense involving physical harm to a student shall not be eligible for reinstatement.
- (6) Presumptive Denial - Any person applying for a license who has committed an offense that would subject him or her to revocation if licensed shall be presumed ineligible to receive a Tennessee educator license.
- (7) Scope of Disciplinary Action - A person whose license has been denied, suspended, or revoked may not serve as a volunteer or be employed, directly or indirectly, as an educator, paraprofessional, aide, substitute teacher or in any other position during the period of the denial, suspension, or revocation.
- (8) Notice of Hearing - Any person who is formally reprimanded or whose license is to be denied, suspended, or revoked under part (2) or who is refused a license or certificate under part (3) shall be entitled to written notice and an opportunity for a hearing to be conducted as a contested case under the Tennessee Uniform Administrative Procedures Act, T.C.A. § 4-5- 301, *et seq.*

(9) Discipline Schedule – The following chart outlines the least and greatest disciplinary ranges for the offenses listed as indicated by the shaded squares.

	Letter of Formal Reprimand	Suspension of 3 to 6 months	Suspension of 6 months to 1 Year	Suspension of 1 Year to 18 Months	Suspension of 18 months to 2 Years	Suspension of 2 years to Revocation	Revocation
Minor testing breaches							
Negligence with no harm to a student							
Unprofessionalism - Inappropriate Communication (Non-Explicit)							
Unprofessionalism - Inappropriate Use of School Property							
Intoxication - off school grounds w/o children at school related activity							
Major testing breaches							
Negligence with harm or potential harm to a student							
Intoxication - on school grounds, w/o children							
Intoxication - on school grounds w/ children							
Intoxication - off school grounds w/ children							
Violation of Teacher Code of Ethics							
Inappropriate Physical Contact							
Unprofessionalism - Inappropriate Communication (Explicit)							
Felony conviction							
Falsification of licensure documentation							

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