

**RULES
OF
THE STATE BOARD OF EDUCATION**

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

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0520-02-03-.09 DENIAL, FORMAL REPRIMAND, SUSPENSION, AND REVOCATION.

1. The State Board of Education may revoke, suspend, reprimand formally, or refuse to issue or renew a license for the following reasons:
 - a. Conviction of a felony;
 - b. Conviction of possession of narcotics;
 - c. Being on school premises, at a school-related activity involving students, or on official school business while documented as being under the influence of, possessing or consuming alcohol or illegal drugs;
 - d. Falsification or alteration of a license or documentation required for licensure;
 - e. 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
 - f. Other good cause.
 - i. For purposes of part (f), "other good cause" shall include, but is not limited to, the following:
 1. Noncompliance with security guidelines for Tennessee Comprehensive Assessment Program (TCAP) or successor tests pursuant to T.C.A. § 49-1-607
 2. Default on a student loan pursuant to T.C.A. § 49-5-108(d)(2)
 3. Failure to report licensure actions under part (e), or
 4. Violation of any provision in the Teacher Code of Ethics as contained in T.C.A. § 49-5-1003.
 - ii. For purposes of this part, "conviction" includes entry of a plea of guilty or nolo contendere or entry of an order granting pre-trial or judicial diversion, in addition to a judgment of conviction.
2. Disciplinary Actions
 - a. Automatic Revocation of License. The State Board of Education shall automatically revoke the license of a licensed teacher or administrator without the right to a hearing 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 felony or 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 on a plea of guilty or nolo contendere, conviction for the same or similar offense in any jurisdiction, or conviction for the solicitation of, attempt to commit, conspiracy, or acting as an accessory to such offenses). 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:
 - i. Default on a student loan pursuant to T.C.A. § 49-5-108(d)(2)
 - ii. Failure to comply with an order of support for alimony or child support, pursuant to T.C.A § 36-5-706
- c. For the following categories of offenses, the State Board of Education shall impose uniform disciplinary action as detailed below:
 - i. Conviction of a felony
 - 1. Upon receiving notification that an individual has been convicted of a felony, the board shall revoke the convicted individual's educator license.
 - ii. Use or possession of alcohol or illicit substances
 - 1. 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 revocation.
 - 2. 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 revocation.
 - 3. 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 with children present, shall be subject to a disciplinary action within the range of suspension for not less than one (1) year, up to revocation.
 - 4. 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.
 - iii. Negligence in the commission of duties as an educator
 - 1. An individual holding an educator's license 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 a two (2) year suspension.
 - 2. An individual holding an educator's license 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 not less than one (1) year, up to revocation.

3. 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 T.C.A. § 49-6-4107.
 - iv. Testing breaches
 1. An individual holding an educator’s license is found to have committed a minor breach of test security, which shall be defined as a breach of test security that does not result in nullification of any test scores, shall be subject to a disciplinary action within the range of a letter of formal reprimand up to a suspension not to exceed one (1) year.
 2. An individual holding an educator’s license is found to have committed a major breach of test security, which shall be defined as a breach of test security that results in nullification of test scores, shall be subject to a disciplinary action within the range of a suspension of not less than one (1) year, up to revocation.
 - v. Unprofessionalism:
 1. An individual holding an educator’s license 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 not less than one (1) year, up to revocation.
 2. An individual holding an educator’s license 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 not less than three (3) months, up to revocation.
 3. An individual holding an educator’s license is found to have engaged in inappropriate communication of an explicit nature with a student, shall be subject to revocation.
 4. An individual holding an educator’s license if found to have inappropriately used school property, shall be subject to a disciplinary action within the range of a suspension for not less than three (3) months, up to revocation.
 - vi. 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.
 - vii. 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 fourth violation, regardless of severity, shall be subject to recommendation for revocation.
3. Discipline Schedule – the following chart outlines the disciplinary ranges for the offenses listed as indicated by the shaded squares.

		Letter of Formal Reprimand	Suspension of 3-6 months	Suspension of 6 months - 1 Year	Suspension of 1 Year-18 Months	Suspension of 18 months - 2 Years	Suspension of 2 years - Revocation
Class 4	Minor testing breaches						

	Negligence with no harm to a student						
Class 3	Unprofessionalism - Inappropriate Communication (Non-Explicit)						
	Unprofessionalism - Inappropriate Use of School Property						
	Intoxication - off school grounds w/o children						
Class 2	Major testing breaches						
	Negligence with harm to a student						
Class 1	Intoxication - on school grounds, w/o children						
	Intoxication - on school grounds w/ children						
	Intoxication - off school grounds w/ children						
	Unprofessionalism - Inappropriate Communication (Explicit)						
	Felony conviction						

4. Restoration of License

a. Suspension:

- i. A person whose license has been suspended shall have the license restored after the period of suspension has been completed, and, where applicable, the person has complied with any terms prescribed by the State Board. Suspended licenses are subject to the expiration and renewal rules of the State Board.

b. Denial or Revocation:

- i. A person whose license has been denied or revoked under parts (1) or (2) 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 shall be voted on at a regularly scheduled meeting of the State Board of Education.

- ii. A person whose license has been revoked under parts (1) or (2) of this rule shall not be eligible to reapply for licensure for a period of not less than five (5) years from the time at which the license was initially revoked.
 - iii. In any deliberation by the State 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.
- 5. 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.
- 6. 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.
- 7. 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.

Authority: T.C.A. § 49-1-302. **Administrative History:** Repeal and new rule filed December 18, 2015; effective March 18, 2015. A stay of the rule was filed January 28, 2015; new effective date June 1, 2015. Amendment filed May 29, 2015; effective August 27, 2015. Emergency rule filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016.