

**Department of State  
Division of Publications**

312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower  
Nashville, TN 37243  
Phone: 615-741-2650  
Email: [publications.information@tn.gov](mailto:publications.information@tn.gov)

**For Department of State Use Only**

Sequence Number: 06-37-23

Rule ID(s): 9904

File Date: 6/28/2023

Last Effective Day: 12/25/2023

## Emergency Rule Filing Form

*Emergency rules are effective from date of filing, unless otherwise stated in the rule, for a period of up to 180 days.*

<b>Agency/Board/Commission:</b>	State Board of Education
<b>Division:</b>	N/A
<b>Contact Person:</b>	Angie Sanders
<b>Address:</b>	500 James Robertson Parkway, 8 <sup>th</sup> Floor
<b>Zip:</b>	37243
<b>Phone:</b>	615 253-5707
<b>Email:</b>	Angela.C.Sanders@tn.gov

**Revision Type (check all that apply):**

☒ Amendment

☐ New

☐ Repeal

**Statement of Necessity:**

In accordance with T.C.A. § 4-5-208(a)(5), this emergency rule is necessary to enact Public Chapter 284 of the 2023 legislative session (PC 284). PC 284 created a new temporary permit pathway by allowing the Commissioner of Education to issue temporary permits to individuals who have completed all required coursework in an Educator Preparation Program (EPP) except for the clinical experience requirement. PC 284 requires the creation of this new temporary permit pathway to be effective beginning July 1, 2023 and requires the State Board to promulgate rules establishing the requirements for the new permit pathway.

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row.)**

Chapter Number	Chapter Title
0520-02-03	Educator Licensure
Rule Number	Rule Title
0520-02-03-.12	Permits

## **AMENDMENT**

**AMEND** the rules of the State Board of Education, Rule 0520-02-03-.12 Permits so that, as amended, the revised rule shall read:

### **RULES OF THE STATE BOARD OF EDUCATION**

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

##### **0520-02-03-.12 PERMITS.**

**(1) Academic Permits.**

- (a) After the director of schools or the director of a charter school notifies the director's local board of education or the governing body of the director's charter school, as applicable, that the LEA or charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists, the director of schools or the director of a charter school may certify to the Commissioner that the LEA or charter school is unable to secure a qualified teacher with a valid license for the position in which a vacancy exists.
- (b) In accordance with T.C.A. § 49-5-106, upon the Commissioner's receipt of the certification, the Commissioner may grant a temporary permit to teach in the unfilled position to an individual who does not hold an active Tennessee educator license under the conditions set forth in this rule.
- (c) The LEA or charter school shall provide evidence of a targeted recruitment strategy for the vacant position.
- (d) The director of schools or charter school leader shall recommend the individual for a teaching permit.
- (e) The recommended individual shall hold a minimum of a bachelor's degree from a regionally-accredited college or university.
- (f) If an individual indicates an affirmative answer on the personal affirmation section of the application for a permit, the individual shall show cause why the permit should be issued despite the individual's affirmative answers. The permit application of any individual who indicates an affirmative answer on the personal affirmation section of the application shall be sent to the State Board for review in accordance with State Board Rule 0520-02-03-.09 for a determination of whether the permit may be issued by the Commissioner.
- (g) If an individual teaching on a permit issued by the Commissioner is reported to the State Board by a director of schools as described in State Board Rule 0520-02-03-.09 and the misconduct, if substantiated, would warrant disciplinary action under State Board Rule 0520-02-03-.09, the State Board may direct the Commissioner to not to issue a subsequent permit to the individual upon expiration of the individual's current permit pursuant to T.C.A. § 49-5-106 and State Board Rule 0520-02-03-.09.
- (h) In reviewing a permit application for approval, the Commissioner may consider, but is not limited to, the following:
  - 1. The individual's previous work experience;
  - 2. The individual's postsecondary coursework and degrees held;
  - 3. The individual's relevant experience in the subject area where the individual is seeking to teach; and

4. The individual's progress toward obtaining a Tennessee educator license.

- (i) The Commissioner may re-issue a temporary permit to teach a course in which an end-of-course examination is required for the 2022-23 and 2023-24 school years if the individual served on a permit to teach a course in which an end-of-course examination was required in the 2021-22 school year.
  - (j) Unless otherwise stipulated in paragraph (1)(i) of this Rule, individuals with a teaching permit shall not teach an elementary physical education class required under T.C.A. § 49-6-1021(e), a course in which a state-level end-of-course examination is required, in accordance with T.C.A. § 49-6-6006, or a special education course in accordance with Federal laws.
  - (k) Each permit issued by the Commissioner shall be valid only until June 30 following the date of issuance.
  - (l) An individual may be issued no more than three (3) permits. An individual shall meet the requirements set forth in this rule for each issuance of a permit.
  - (m) A local board of education or governing body of a charter school may employ an individual holding a permit, but not holding a valid license, only for such period for which the local board of education or the governing body of the charter school is unable to secure a qualified teacher with a valid license for the type and kind of school. The permit issued to an unlicensed individual is only valid for the school and LEA identified in the permit application submitted to the Department and shall not be used for any other purpose.
  - (n) If an individual has had a permit application denied by the Commissioner pursuant to paragraph (1)(f) or (1)(g) of this Rule, the individual must indicate such on any future application for an educator license or permit in Tennessee.
- (2) Clinical Practice Permits.
- (a) After the director of schools or the director of a charter school notifies the director's local board of education or the governing body of the director's charter school, as applicable, that the LEA or charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists, the director of schools or the director of a charter school may certify to the Commissioner that the LEA or charter school is unable to secure a qualified teacher with a valid license for the position in which a vacancy exists.
  - (b) In accordance with Public Chapter 284 of 2023, upon the Commissioner's receipt of the certification, the Commissioner may grant a clinical practice permit to teach in the unfilled position to an individual who does not hold an active Tennessee educator license under the conditions set forth in this rule.
  - (c) A director of schools or a director of a public charter school shall submit a conditional offer of employment made by the respective director of schools or the director of the public charter school for the individual to fill a position for which the LEA or public charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists. The conditional offer of employment must include a certification by the director of schools or the director of the public charter school that the director has notified the Commissioner of the LEA's or public charter school's inability to fill the vacancy and its intent to employ the individual pursuant to a clinical practice permit issued pursuant to this Rule.
  - (d) To be eligible to receive a clinical practice permit, an individual shall be enrolled in a State Board approved educator preparation program ("EPP"), have completed all EPP coursework except for the clinical practice required pursuant to T.C.A. § 49-5-5604 and State Board Rule 0520-02-04, and submit with the application for a clinical practice permit a letter of recommendation from the EPP in which the individual is enrolled.

- 1. In reviewing a clinical practice permit application for approval, the Commissioner may consider, but is not limited to, the following:

- i. The individual's postsecondary coursework; and
  - ii. The individual's progress toward obtaining a Tennessee educator license.
- 2. In accordance with Public Chapter 284 of 2023, the Commissioner may issue a clinical practice permit to teach a course in which an end-of-course examination is required to satisfy the graduation requirements established by the State Board if the individual demonstrates sufficient content knowledge in the course material by taking and passing, at the teacher's own expense, all specialty area content assessments.
- 3. The Commissioner shall not grant an individual a clinical practice permit to teach a physical education class required under T.C.A. § 49-6-1021(e) or a special education course in accordance with Federal and state law.
- (e) If an individual indicates an affirmative answer on the personal affirmation section of the application for a clinical practice permit, the individual shall show cause why the permit should be issued despite the individual's affirmative answers. The permit application of any individual who indicates an affirmative answer on the personal affirmation section of the application shall be sent to the State Board for review in accordance with State Board Rule 0520-02-03-.09 for a determination of whether the permit may be issued by the Commissioner.
- (f) An individual who teaches under a clinical practice permit issued pursuant to this Rule satisfies the clinical practice required pursuant to § 49-5-5604 and State Board Rule 0520-02-04-.10 if:
  - 1. The individual is assigned to, and receives guidance, evaluations, and instructions from a clinical mentor who meets criteria set forth in State Board Rule 0520-02-04-.10 and Educator Preparation Policy 5.504 for school-based clinical mentors, for an amount of time that is at least equal to the amount of time required for candidates of the EPP in which the individual is enrolled to meet the EPP's clinical practice requirements;
  - 2. The EPP clinical supervisor assigned to the individual evaluates the individual as having adequately met the same requirements that candidates of the EPP in which the individual is enrolled must meet to satisfy the clinical practice requirements of § 49-5-5604 and State Board Rule 0520-02-04-.10, including, but not limited to, teaching under a clinical practice permit in a course or endorsement area aligned to the specialty area for which the individual is being prepared; and
  - 3. The individual teaches under a clinical practice permit for an amount of time that is at least equal to the amount of time required for candidates of the EPP in which the individual is enrolled to complete the clinical practice requirements of § 49-5-5604.
- (g) For the purposes of this Rule "clinical practice" has the same meaning as State Board Rule 0520-04-02-.02(4).
- (h) Each clinical practice permit issued by the Commissioner shall be valid only until June 30 following the date of issuance.
- (i) An individual may only be issued one (1) clinical practice permit. A clinical practice permit shall not be re-issued by the Commissioner.
- (j) The clinical practice permit issued to an unlicensed individual is only valid for the school and LEA identified in the clinical practice permit application submitted to the Department and shall not be used for any other purpose.
- (k) If an individual teaching on a clinical practice permit issued by the Commissioner is reported to the State Board by a director of schools as described in State Board Rule 0520-02-03-.09 and the misconduct, if substantiated, would warrant disciplinary action under State Board Rule 0520-02-03-.09, the State Board may direct the Commissioner not to issue any subsequent permit to the individual upon expiration of the individual's current clinical practice permit.
- (l) If an individual has had a clinical practice permit application denied by the Commissioner



pursuant to paragraph (2)(e) of this Rule or if the State Board has directed the Commissioner not to issue the individual any subsequent temporary permits pursuant to paragraph (2)(k) of this Rule, the individual must indicate such on any future application for an educator license or temporary permit in Tennessee.

(3) Occupational Permits.

- (a) After the director of schools or the director of a charter school notifies the director's local board of education or the governing body of the director's charter school, as applicable, that the LEA or charter school is unable to secure a qualified occupational teacher with a valid occupational license for the course of study in which a vacancy exists, the director of schools or the director of a charter school may certify to the Commissioner that the LEA or charter school is unable to secure a qualified occupational teacher with a valid occupational license for the position in which a vacancy exists.
- (b) In accordance with T.C.A. § 49-5-106, upon the Commissioner's receipt of the certification, the Commissioner may grant a temporary occupational permit to teach in the unfilled position to an individual who does not hold an active Tennessee educator license under the conditions set forth in this rule.
- (c) The LEA or charter school shall provide evidence of a targeted recruitment strategy for the vacant position.
- (d) The director of schools or charter school leader shall recommend the individual for an occupational teaching permit.
- (e) The recommended individual shall hold a minimum of a high school diploma; and either:
  - 1. An active industry certification for the area of endorsement, as defined by the Department; or
  - 2. A minimum of five (5) years of relevant work experience, completed within the last ten (10) years, or three (3) years of relevant work experience, completed within the last five (5) years, in the endorsement area or equivalent educational attainment, as defined by the Department.
- (f) If an individual indicates an affirmative answer on the personal affirmation section of the application for an occupational permit, the individual shall show cause why the permit should be issued despite the individual's affirmative answers. The permit application of any individual who indicates an affirmative answer on the personal affirmation section of the application shall be sent to the State Board for review in accordance with State Board Rule 0520-02-03-.09 for a determination of whether the permit may be issued by the Commissioner.
- (g) If an individual teaching on an occupational permit issued by the Commissioner is reported to the State Board by a Director as described in State Board Rule 0520-02-03-.09 and the misconduct, if substantiated, would warrant disciplinary action under State Board Rule 0520-02-03-.09, the State Board may direct the Commissioner not to issue any subsequent permit to the individual upon expiration of the individual's current occupational permit.
- (h) In reviewing an occupational permit application for approval, the Commissioner may consider, but is not limited to, the following:
  - 1. The individual's previous work experience;
  - 2. The individual's postsecondary coursework and degrees held;
  - 3. The individual's relevant experience in the subject area where the individual is seeking to teach; and
  - 4. The individual's progress toward obtaining a Tennessee educator license.

- (i) An occupational permit issued by the Commissioner shall be valid only until June 30 following the date of issuance.
- (j) An individual may only be issued one (1) occupational permit. An occupational permit shall not be re-issued by the Commissioner.
- (k) A local board of education or governing body of a charter school may employ an individual holding an occupational permit, but not holding a valid license, only for such period of time for which the local board of education or the governing body of the charter school is unable to secure a qualified occupational teacher with a valid license for the type and kind of school. The occupational permit issued to an unlicensed individual is only valid for the school and LEA identified in the permit application submitted to the Department and shall not be used for any other purpose.
- (l) If an individual has had an occupational permit application denied by the Commissioner pursuant to paragraph (3)(f) or if the State Board has directed the Commissioner not to issue the individual any subsequent temporary permits pursuant to paragraph (3)(g) of this Rule, the individual must indicate such on any future application for an educator license or temporary permit in Tennessee.

**Authority:** T.C.A. §§ 49-1-302, 49-5-106, 49-5-108, 49-5-403, and Public Chapter 284 of the Public Acts of 2023.

**Administrative History:** Original rule filed November 16, 1989; effective February 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999. Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal filed October 27, 2015; effective January 25, 2016. New rules filed August 16, 2019; effective November 14, 2019. Amendments filed November 30, 2020; effective February 28, 2021. Amendments filed August 5, 2021; effective November 3, 2021.

\* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Jordan Mollenhour				x	
Bob Eby	x				
Ryan Holt	x				
Warren Wells	x				
Lillian Hartgrove	x				
Nate Morrow	x				
Darrell Cobbins	x				
Larry Jensen			x (PNV)		
Victoria Harpool, designee for Robert Smith, Interim Executive Director, Tennessee Higher Education Commission <b>Non-Voting, Ex-Officio Member</b>					

I certify that this is an accurate and complete copy of an emergency rule(s), lawfully promulgated and adopted.

Date: 6/27/2023

Signature: 


Name of Officer: Angie Sanders

Title of Officer: General Counsel

Agency/Board/Commission: State Board of Education

Rule Chapter Number(s): 0520-02-03-.12

All emergency rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

  
Jonathan Skrmetti  
Attorney General and Reporter

6/27/23

Date

**Department of State Use Only**

Filed with the Department of State on: 6/28/2023

Effective for: 180 *\*days*

Effective through: 12/25/2023

*\* Emergency rule(s) may be effective for up to 180 days from the date of filing.*



Tre Hargett  
Secretary of State

RECEIVED

Jun 28 2023, 3:38 pm

Secretary of State  
Division of Publications

**Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

None.



### Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Tennessee State Board of Education Educator Licensure Rule 0520-02-03, Section -.12 governs the issuance of temporary permits for unlicensed individuals to teach specific classes for which an LEA or public charter school cannot find a licensed teacher.

Public Chapter 284 of the Public Acts of 2023 (PC 284) created a new temporary permit pathway allowing the Commissioner of Education to issue temporary permits to individuals who have completed all required coursework in an Educator Preparation Program (EPP) except for the clinical experience requirement.

To align with PC 284, the following revisions were made to Rule 0520-02-03-.12:

- Adding a new category of temporary permits titled Clinical Practice Permits and outlining the requirements to be eligible to obtain a Clinical Practice Permit, including how an individual who teaches under a clinical practice permit may use this time to satisfy the clinical experience required pursuant to T.C.A. § 49-5-5604.
- Clarifying requirements for mentor teachers who oversee individuals teaching under clinical practice permits and who make recommendations regarding completion of all EPP clinical practice requirements.

These revisions were necessary to be made as an emergency rule to ensure the Department of Education can begin issuing Clinical Practice Permits ahead of the 2023-24 school year, as required by PC 284.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Public Chapter 284 of the Public Acts of 2023 created a new temporary permit pathway allowing the Commissioner of Education to issue temporary permits to individuals who have completed all required coursework in an Educator Preparation Program (EPP) except for the clinical experience requirement. Public Chapter 284 required the State Board of Education to adopt rules to effectuate the purposes of the law.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The State Board of Education and Department of Education are both directly affected by this rule and both urge adoption. Additionally, local education agencies, State Board approved educator preparation programs, and students enrolled in an educator preparation program who may be eligible for these permits are directly affected by this rule. The State Board did not receive any comments urging adoption or rejection of this rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Angie Sanders (State Board of Education)

[Angela.C.Sanders@tn.gov](mailto:Angela.C.Sanders@tn.gov)

Nathan James (State Board of Education)

[Nathan.James@tn.gov](mailto:Nathan.James@tn.gov)

Robin Yeh (Department of Education)

[Robin.Yeh@tn.gov](mailto:Robin.Yeh@tn.gov)

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Angie Sanders (State Board of Education)

[Angela.C.Sanders@tn.gov](mailto:Angela.C.Sanders@tn.gov)

Nathan James (State Board of Education)

[Nathan.James@tn.gov](mailto:Nathan.James@tn.gov)

Robin Yeh (Department of Education)

[Robin.Yeh@tn.gov](mailto:Robin.Yeh@tn.gov)

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Angie Sanders

State Board of Education

500 James Robertson Parkway, 8th Floor

Nashville, TN 37243

(615) 253-5707

[Angela.C.Sanders@tn.gov](mailto:Angela.C.Sanders@tn.gov)

Nathan James

State Board of Education

500 James Robertson Parkway, 8th Floor

Nashville, TN 37243

(615) 532-3528

[Nathan.James@tn.gov](mailto:Nathan.James@tn.gov)

Robin Yeh

Department of Education

710 James Robertson Parkway, 9th Floor

Nashville, TN 37243

(615) 445-9543

[Robin.Yeh@tn.gov](mailto:Robin.Yeh@tn.gov)

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

**RULES  
OF  
THE STATE BOARD OF EDUCATION**

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

**0520-02-03-.12 PERMITS.**

**(1) Academic Permits.**

- (a) After the director of schools or the director of a charter school notifies the director's local board of education or the governing body of the director's charter school, as applicable, that the LEA or charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists, the director of schools or the director of a charter school may certify to the Commissioner that the LEA or charter school is unable to secure a qualified teacher with a valid license for the position in which a vacancy exists.
- (b) In accordance with T.C.A. § 49-5-106, upon the Commissioner's receipt of the certification, the Commissioner may grant a temporary permit to teach in the unfilled position to an individual who does not hold an active Tennessee educator license under the conditions set forth in this rule.
- (c) The LEA or charter school shall provide evidence of a targeted recruitment strategy for the vacant position.
- (d) The director of schools or charter school leader shall recommend the individual for a teaching permit.
- (e) The recommended individual shall hold a minimum of a bachelor's degree from a regionally-accredited college or university.
- (f) If an individual indicates an affirmative answer on the personal affirmation section of the application for a permit, the individual shall show cause why the permit should be issued despite the individual's affirmative answers. The permit application of any individual who indicates an affirmative answer on the personal affirmation section of the application shall be sent to the State Board for review in accordance with State Board Rule 0520-02-03-.09 for a determination of whether the permit may be issued by the Commissioner.
- (g) If an individual teaching on a permit issued by the Commissioner is reported to the State Board by a ~~Director~~director of schools as described in State Board Rule 0520-02-03-.09 and the misconduct, if substantiated, would warrant disciplinary action under State Board Rule 0520-02-03-.09, the State Board may direct the Commissioner to not to issue a subsequent permit to the individual upon expiration of the individual's current permit pursuant to T.C.A. § 49-5-106 and State Board Rule 0520-02-03-.09.
- (h) In reviewing a permit application for approval, the Commissioner may consider, but is not limited to, the following:
  - 1. The individual's previous work experience;
  - 2.    The individual's postsecondary coursework and degrees held;
  - 3. The individual's relevant experience in the subject area where the individual is seeking to teach; and
  - 4.        The individual's progress toward obtaining a Tennessee educator license.
- (i) ~~Pursuant to Chapter 932 of the Public Acts of 2022, the~~The Commissioner may re-issue a temporary permit to teach a course in which an end-of-course examination is required for the 2022-

23 and 2023-24 school years if the individual served on a permit to teach a course in which an end-of-course examination was required in the 2021-22 school year.

- (j) Unless otherwise stipulated in paragraph (1)(i) of this Rule, individuals with a teaching permit shall not teach an elementary physical education class required under T.C.A. § 49-6-1021(e), a course in which a state-level end-of-course examination is required, in accordance with T.C.A. § 49-6-6006, or a special education course in accordance with Federal laws.
- (k) Each permit issued by the Commissioner shall be valid only until June 30 following the date of issuance.
- (l) An individual may be issued no more than three (3) permits. An individual shall meet the requirements set forth in this rule for each issuance of a permit.
- (m) A local board of education or governing body of a charter school may employ an individual holding a permit, but not holding a valid license, only for such period for which the local board of education or the governing body of the charter school is unable to secure a qualified teacher with a valid license for the type and kind of school. The permit issued to an unlicensed individual is only valid for the school and LEA identified in the permit application submitted to the Department and shall not be used for any other purpose.
- (n) If an individual has had a permit application denied by the Commissioner pursuant to paragraph (1)(f) or (1)(g) of this Rule, the individual must indicate such on any future application for an educator license or permit in Tennessee.

(2) Clinical Practice Permits.

- (a) After the director of schools or the director of a charter school notifies the director's local board of education or the governing body of the director's charter school, as applicable, that the LEA or charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists, the director of schools or the director of a charter school may certify to the Commissioner that the LEA or charter school is unable to secure a qualified teacher with a valid license for the position in which a vacancy exists.
- (b) In accordance with Public Chapter 284 of 2023, upon the Commissioner's receipt of the certification, the Commissioner may grant a clinical practice permit to teach in the unfilled position to an individual who does not hold an active Tennessee educator license under the conditions set forth in this rule.
- (c) A director of schools or a director of a public charter school shall submit a conditional offer of employment made by the respective director of schools or the director of the public charter school for the individual to fill a position for which the LEA or public charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists. The conditional offer of employment must include a certification by the director of schools or the director of the public charter school that the director has notified the Commissioner of the LEA's or public charter school's inability to fill the vacancy and its intent to employ the individual pursuant to a clinical practice permit issued pursuant to this Rule.
- (d) To be eligible to receive a clinical practice permit, an individual shall be enrolled in a State Board approved educator preparation program ("EPP"), have completed all EPP coursework except for the clinical practice required pursuant to T.C.A. § 49-5-5604 and State Board Rule 0520-02-04, and submit with the application for a clinical practice permit a letter of recommendation from the EPP in which the individual is enrolled.
  - 1. In reviewing a clinical practice permit application for approval, the Commissioner may consider, but is not limited to, the following:
    - i. The individual's postsecondary coursework; and
    - ii. The individual's progress toward obtaining a Tennessee educator license.
  - 2. In accordance with Public Chapter 284 of 2023, the Commissioner may issue a clinical practice permit to teach a course in which an end-of-course examination is required



to satisfy the graduation requirements established by the State Board if the individual demonstrates sufficient content knowledge in the course material by taking and passing, at the teacher's own expense, all specialty area content assessments.

3. The Commissioner shall not grant an individual a clinical practice permit to teach a physical education class required under T.C.A. § 49-6-1021(e) or a special education course in accordance with Federal and state law.

(e) If an individual indicates an affirmative answer on the personal affirmation section of the application for a clinical practice permit, the individual shall show cause why the permit should be issued despite the individual's affirmative answers. The permit application of any individual who indicates an affirmative answer on the personal affirmation section of the application shall be sent to the State Board for review in accordance with State Board Rule 0520-02-03-.09 for a determination of whether the permit may be issued by the Commissioner.

(f) An individual who teaches under a clinical practice permit issued pursuant to this Rule satisfies the clinical practice required pursuant to § 49-5-5604 and State Board Rule 0520-02-04-.10 if:

1. The individual is assigned to, and receives guidance, evaluations, and instructions from a clinical mentor who meets criteria set forth in State Board Rule 0520-02-04-.10 and Educator Preparation Policy 5.504 for school-based clinical mentors, for an amount of time that is at least equal to the amount of time required for candidates of the EPP in which the individual is enrolled to meet the EPP's clinical practice requirements;
2. The EPP clinical supervisor assigned to the individual evaluates the individual as having adequately met the same requirements that candidates of the EPP in which the individual is enrolled must meet to satisfy the clinical practice requirements of § 49-5-5604 and State Board Rule 0520-02-04-.10, including, but not limited to, teaching under a clinical practice permit in a course or endorsement area aligned to the specialty area for which the individual is being prepared; and
3. The individual teaches under a clinical practice permit for an amount of time that is at least equal to the amount of time required for candidates of the EPP in which the individual is enrolled to complete the clinical practice requirements of § 49-5-5604.

(g) For the purposes of this Rule "clinical practice" has the same meaning as State Board Rule 0520-04-02-.02(4).

(h) Each clinical practice permit issued by the Commissioner shall be valid only until June 30 following the date of issuance.  
(a)

Formatted: Indent: Left: 1", No bullets or numbering

(i) An individual may only be issued one (1) clinical practice permit. A clinical practice permit shall not be re-issued by the Commissioner.  
(b)

Formatted: Indent: Left: 1", No bullets or numbering

(j) The clinical practice permit issued to an unlicensed individual is only valid for the school and LEA identified in the clinical practice permit application submitted to the Department and shall not be used for any other purpose.

(k) If an individual teaching on a clinical practice permit issued by the Commissioner is reported to the State Board by a director of schools as described in State Board Rule 0520-02-03-.09 and the misconduct, if substantiated, would warrant disciplinary action under State Board Rule 0520-02-03-.09, the State Board may direct the Commissioner not to issue any subsequent permit to the individual upon expiration of the individual's current clinical practice permit.

(l) If an individual has had a clinical practice permit application denied by the Commissioner pursuant to paragraph (2)(e) of this Rule or if the State Board has directed the Commissioner not to issue the individual any subsequent temporary permits pursuant to paragraph (2)(k) of this Rule, the



individual must indicate such on any future application for an educator license or temporary permit in Tennessee.

(3) ~~(2)~~ Occupational Permits.

- (a) After the director of schools or the director of a charter school notifies the director's local board of education or the governing body of the director's charter school, as applicable, that the LEA or charter school is unable to secure a qualified occupational teacher with a valid occupational license for the course of study in which a vacancy exists, the director of schools or the director of a charter school may certify to the Commissioner that the LEA or charter school is unable to secure a qualified occupational teacher with a valid occupational license for the position in which a vacancy exists.
- (b) In accordance with T.C.A. § 49-5-106, upon the Commissioner's receipt of the certification, the Commissioner may grant a temporary occupational permit to teach in the unfilled position to an individual who does not hold an active Tennessee educator license under the conditions set forth in this rule.
- (c) The LEA or charter school shall provide evidence of a targeted recruitment strategy for the vacant position.
- (d) The director of schools or charter school leader shall recommend the individual for an occupational teaching permit.
- (e) The recommended individual shall hold a minimum of a high school diploma; and either:
  - 1. An active industry certification for the area of endorsement, as defined by the Department; or
  - 2. A minimum of five (5) years of relevant work experience, completed within the last ten (10) years, or three (3) years of relevant work experience, completed within the last five (5) years, in the area of endorsement area or equivalent educational attainment, as defined by the Department.
- (f) If an individual indicates an affirmative answer on the personal affirmation section of the application for an occupational permit, the individual shall show cause why the permit should be issued despite the individual's affirmative answers. The permit application of any individual who indicates an affirmative answer on the personal affirmation section of the application shall be sent to the State Board for review in accordance with State Board Rule 0520-02-03-.09 for a determination of whether the permit may be issued by the Commissioner.
- (g) If an individual teaching on an occupational permit issued by the Commissioner is reported to the State Board by a Director as described in State Board Rule 0520-02-03-.09 and the misconduct, if substantiated, would warrant disciplinary action under State Board Rule 0520-02-03-.09, the State Board may direct the Commissioner not to issue any subsequent permit to the individual upon expiration of the individual's current occupational permit pursuant to T.C.A. § 49-5-106 and State Board Rule 0520-02-03-.09.
- (h) In reviewing an occupational permit application for approval, the Commissioner may consider, but is not limited to, the following:
  - 1. The individual's previous work experience;
  - 2. The individual's postsecondary coursework and degrees held;
  - 3. The individual's relevant experience in the subject area where the individual is seeking to teach; and
  - 4. The individual's progress toward obtaining a Tennessee educator license.
- (i) An occupational permit issued by the Commissioner shall be valid only until June 30 following the date of issuance.
- (j) An individual may only be issued one (1) occupational permit. An occupational permit shall not be

re-issued by the Commissioner.

- (k) A local board of education or governing body of a charter school may employ an individual holding an occupational permit, but not holding a valid license, only for such period of time for which the local board of education or the governing body of the charter school is unable to secure a qualified occupational teacher with a valid license for the type and kind of school. The occupational permit issued to an unlicensed individual is only valid for the school and LEA identified in the permit application submitted to the Department and shall not be used for any other purpose.
- (l) If an individual has had an occupational permit application denied by the Commissioner pursuant to paragraph (32)(f) or if the State Board has directed the Commissioner not to issue the individual any subsequent temporary permits pursuant to paragraph (3)(g) of this Rule, the individual must indicate such on any future application for an educator license or temporary permit in Tennessee.

**Authority:** T.C.A. §§ 49-1-302, 49-5-106, 49-5-108, and 49-5-403, and Public Chapter 284 of the Public Acts of 2023. **Administrative History:** Original rule filed November 16, 1989; effective February 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999. Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal filed October 27, 2015; effective January 25, 2016. New rules filed August 16, 2019; effective November 14, 2019. Amendments filed November 30, 2020; effective February 28, 2021. Amendments filed August 5, 2021; effective November 3, 2021.