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## Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).*

*Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).*

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

☒ Amendment  
☐ New  
☐ Repeal  
☐ Content based on previous emergency rule filed on \_\_\_\_\_  
☐ Content is identical to the emergency rule

**Rule(s)** (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 Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below.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-.09	Denial, Formal Reprimand, Suspension and Revocation

## **AMENDMENT**

**AMEND** the rules of the State Board of Education Chapter 0520-02-03 Educator Licensure, by amending rule section .09 Denial, Formal Reprimand, Suspension and Revocation, so that the revised rule shall read:

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

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

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

**(1) Definitions:**

- (a) Conviction – Means a judgment entered by a court upon a plea of guilty, a plea of nolo contendere, a finding of guilt by a jury or the court notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment. Conviction includes, but is not limited to, a conviction by a federal court or military tribunal, including a court-martial conducted by the armed forces of the United States, and a conviction, whether upon a plea of guilty, a plea of nolo contendere, or a finding of guilt by a jury or the court, in any other state of the United States, other jurisdiction, or other country. Conviction also includes a plea taken in conjunction with Tennessee Code Annotated ("T.C.A.") § 40-35-313 or its equivalent in any other jurisdiction.
- (b) Dismissed – With regard to employment action taken by an employing public or non-public school or school system, dismissed means the termination of a licensed educator's employment with the school or school system or non-renewal of the educator's contract.
- (c) Formal Reprimand – A less harsh licensing action than the suspension, revocation, or denial of a license, which admonishes an educator for certain conduct under this Rule. An educator who has been reprimanded by the State Board of Education ("State Board") under this Rule shall receive a letter from the State Board, which shall become part of the educator's state record and may become part of the educator's local record, indicating that the inappropriate conduct is discouraged and shall be subject to further disciplinary action if repeated.
- (d) Inappropriate Communication (Explicit) – Any communication between an educator and a student that describes, represents, or alludes to sexual activity or any other illegal activity. This includes, but is not limited to, communication defined as sexual misconduct under T.C.A. § 49-5-417, communication defined as sexually related behavior under T.C.A. § 49-5-1003(b)(15), and communication that would encourage illegal activity such as encouraging the use or purchase of illegal substances. This shall not be construed to prevent an educator from communication regarding sexual or illegal activities for educational purposes such as in teaching family-life curriculum pursuant to T.C.A. §§ 49-6-1307 et seq. or drug abuse resistance education pursuant to T.C.A. § 49-1-402 or to prevent an educator from upholding the

educator's obligation as a mandatory reporter of child abuse, neglect, or child sexual abuse.

- (e) 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 educator's or student's past or current romantic relationships; those that include the use of profanities or obscene language; those that are harassing, intimidating, or bullying; those that attempt to establish an inappropriate personal relationship with a student; and those that are related to personal or confidential information regarding another school staff member or student.
- (f) Inappropriate Physical Contact – Unlawful and/or unjustified physical contact with a student. Examples of such inappropriate physical contact include, but are not limited to, sexual contact, physical altercations, horseplay, tickling, improper use of corporal punishment, improper restraint or isolation of a student receiving special education services, and rough housing.
- (g) Inappropriate Physical Contact with Harm – Inappropriate physical contact as described in subparagraph (f) above that results in physical or mental harm.
- (h) Negligence – Failure to exercise the care toward others that a reasonable or prudent person would exercise under the circumstances or taking action that a reasonable person would not. Examples of such negligence include, but are not limited to, situations that expose students to mental or physical harm or the potential for mental or physical harm such as leaving dangerous items in the classroom or in areas easily accessible to students and leaving students unattended.
- (i) Non-Compliance with Security Guidelines for State-Mandated Test, TCAP or Successor Test– Any person found to have not followed security guidelines for administration of a state-mandated test, the TCAP or a successor test, including but not limited to, making or distributing unauthorized photos or copies of the test, altering a grade or answer sheet of student responses or answers, providing copies or photos of answers or test questions to students or others, and otherwise compromising the integrity of the testing process (which includes, but is not limited to, providing unauthorized assistance to students during administration of testing).
- (j) Official School Business – Any activity undertaken by an educator in an official capacity and in connection with the educator's employment. Examples include, but are not limited to, conferences, professional development, trainings, and seminars.
- (k) Other Good Cause – Conduct that calls into question the fitness of an educator to hold a license including, but not limited to, violation of any provision in the Teacher Code of Ethics as contained in T.C.A. §§ 49-5-1001, et seq.
- (l) Permanent Revocation – The nullification of an educator's license without eligibility for future restoration. Permanent revocation also

includes the voluntary permanent surrender of an educator's license without eligibility for future restoration.

- (m) School Premises – Any real property and/or land owned, leased, managed, controlled, or under the custody of a state or local education agency, school system, or school.
  - (n) School Property – Any property owned, leased, managed, controlled, or under the custody of a state or local education agency, school system, or school.
  - (o) School Related Activity – Any activity in which a student participates, 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.
  - (p) Suspension – With regard to licensure action by the State Board, suspension means the nullification of an educator's license for a predetermined term, after which the license may be reinstated. Reinstatement shall be subject to the completion of any terms and conditions contained in the order of suspension. With regard to employment action taken by a public or non-public school or school district, suspension means the temporary removal of an educator from his or her regular duties with or without pay. Suspension also includes the placement of an educator on administrative leave pending investigation into allegations of misconduct.
  - (q) Revocation– The nullification of an educator's license for a period of at least five (5) years, after which an educator may petition the State Board for restoration under paragraph (7)(b). Revocation also includes the voluntary surrender of an educator's license for a period of at least five (5) years, after which an educator may petition the State Board for restoration under paragraph (7)(b). A shorter period of revocation may be specified as provided for in paragraph (5)(e) of this Rule, allowing an educator to apply for restoration earlier than five (5) years from the date of revocation.
- (2) Notification to the State Board of Education.
- (a) Licensed Educators - It is the responsibility of the Director of Schools of the employing public or non-public school or school district or Director of a public charter school ("Director") to report to the State Board licensed educators who have been suspended or dismissed, or who have resigned, following allegations of misconduct, including sexual misconduct, which, if substantiated, would warrant consideration for license suspension, revocation, or formal reprimand under this Rule. The report shall be submitted within thirty (30) days of the suspension, dismissal, or resignation. The Director shall also report felony convictions and convictions for any offense listed in paragraph 4(a) of this Rule of licensed educators within thirty (30) days of receiving knowledge of the conviction or within thirty (30) days of receiving knowledge that the educator has met other conditions in paragraph 4(a) of this Rule. The Director shall also report individuals employed by the public or non-public school or district with an expired license who are convicted of any offense listed in paragraph 4(a) of this Rule or who meet any of the conditions in paragraph (4)(a) of this Rule, within thirty

(30) days of receiving knowledge of the individual's conviction or that the individual has met other conditions in paragraph 4(a) of this Rule. Schools and school districts have a duty to respond to State Board inquiries and provide to the State Board, except when prohibited by law, any available documentation requested concerning the allegations contained in the report. If the State Board receives information regarding a licensed educator who was not reported as described in this paragraph, and such information, if substantiated, would warrant licensure action under this Rule, the State Board reserves the right to place the educator's license file in the state's educator licensure database (TN Compass) under review.

- (b) Educators Teaching on a Temporary Permit – Directors shall report individuals teaching on a temporary permit to the State Board under the same conditions outlined in the above paragraph (2)(a). Schools and school districts have a duty to respond to State Board inquiries and provide to the State Board, except when prohibited by law, any available documentation requested concerning the allegations contained in the report. If the State Board receives information regarding an individual teaching on a permit who was not reported as described in this paragraph, and such information, if substantiated, would warrant disciplinary action under this Rule, the State Board reserves the right to place an individual's file under review in the state's educator licensure database (TN Compass).
  - (c) Penalty for Failure to Report – If a Director holds an active educator license, then the State Board may formally reprimand or suspend the Director's license for failure to make a report as required by paragraphs (2)(a)-(b) of this Rule or State law. If the State Board issues a formal reprimand or suspends a Director's educator license for the Director's failure to make a required report, then the State Board shall send notice of the license action to the local board of education, charter school governing body, or non-public school governing body, as applicable. The State Board may issue a public reprimand if a Director who does not hold an active educator license fails to make a report as required by paragraphs (2)(a)-(b) of this Rule or State law. If the State Board issues a public reprimand to a Director who does not hold an active educator license, the State Board shall send a copy of the public reprimand to the Director and to the local board of education, charter school governing body, or non-public school governing body, as applicable.
- (3) The State Board may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license or may refuse to issue a temporary permit for any of the following reasons:
- (a) Conviction of a felony;
  - (b) Conviction of possession of illegal drugs;
  - (c) Being on school premises, school property, at a school-related activity involving students, or on official school business, while possessing, consuming, or under the influence of alcohol or illegal drugs;
  - (d) Falsification or altering of a license or permit or documentation required for licensure or permit;
  - (e) Inappropriate physical contact with a student;

- (f) Failure to report as required under paragraph (2) of this Rule;
  - (g) Noncompliance with security guidelines for state-mandated tests, and/or TCAP or successor test;
  - (h) Denial, formal reprimand, suspension, or revocation/surrender of a license or certificate in another jurisdiction for reasons which would justify denial, formal reprimand, suspension, or revocation under this Rule;
  - (i) Other good cause as defined in subparagraph (1)(k) of this Rule; or
  - (j) Any offense contained in paragraphs (4) and/or (5) of this Rule.
- (4) Automatic Revocation and Suspension.
- (a) Automatic Revocation of License – The State Board shall automatically revoke or automatically permanently revoke, without the right to a hearing, the license of an educator for the following:
    - 1. Upon receiving verification of the identity of the licensed educator together with a certified copy of a criminal record showing that the licensed educator has been convicted of any of the following offenses (including, but not limited to, conviction for the same or similar offense in any jurisdiction). Educators whose conviction includes a plea taken in conjunction with T.C.A. § 40-35-313 and such conviction is eligible for expungement under T.C.A. § 40-35-313, or its equivalent in any other jurisdiction, shall not be subject to automatic permanent revocation.
      - (i) Communicating a threat concerning a school employee, as described in T.C.A. § 39-13-114;
      - (ii) Statutory rape by an authority figure, as described in T.C.A. § 39-13-532;
      - (iii) Arson or aggravated arson, as described in T.C.A. § 39-14-301 and § 39-14-302;
      - (iv) A burglary offense, as described in T.C.A. § 39-13-1001 - § 39-13-1004;
      - (v) Child abuse, child neglect, or child endangerment, as described in T.C.A. § 39-15-401;
      - (vi) Aggravated child abuse, aggravated child neglect, or aggravated child endangerment, as described in T.C.A. § 39-15-402;
      - (vii) Providing handguns to juveniles, as described in T.C.A. § 39-17-1320;
      - (viii) A sexual offense or a violent sexual offense, as described in T.C.A. § 40-39-202;
      - (ix) A felony offense in T.C.A. title 39, chapter 13;

- (x) A felony offense in T.C.A. title 39, chapter 17, part 13; or
  - (xi) Any offense listed in T.C.A. § 39-17-417 or § 40-35-501(i)(2).
2. Being identified by the Department of Children's Services ("DCS") or similar agency in another jurisdiction, after having exhausted or waived all due process rights available to the licensed educator, as having committed child abuse, severe child abuse, child sexual abuse, or child neglect as stated in T.C.A. § 49-5-413, or similar laws in another jurisdiction;
  3. The licensed educator's name being placed on the state's vulnerable person's registry or the state's sex offender registry, or similar registries in another jurisdiction; or
  4. Receiving verification of the identity of the licensed educator together with a certified copy of a court order, settlement agreement, or plea agreement in a criminal, civil, or administrative action requiring the educator to surrender the educator's Tennessee license. Unless otherwise stated in the court order, settlement agreement, or plea agreement, the educator may apply for restoration after five (5) years from the date of revocation, as long as the restoration of the license is in accordance with applicable state law and this Rule.
- (b) Educators who are subject to automatic revocation for reasons set forth in paragraph (4)(a)2 or (4)(a)3 of this Rule shall have their license automatically permanently revoked.
  - (c) The State Board shall send notice to educators whose licenses are subject to automatic revocation or automatic permanent revocation at least thirty (30) days prior to the board meeting at which such revocation shall occur, using the educator's contact information in the State of Tennessee's educator licensure database (TN Compass) as required by paragraph (10) of this Rule.
  - (d) Automatic Suspension of License –The State Board shall automatically suspend, without the right to a hearing, the license of an educator upon receiving notice from the Tennessee Department of Human Services or other responsible state agency that an educator has failed to comply with an order of support for alimony or child support, pursuant to T.C.A. § 36-5-706, together with notification that the educator has been afforded all notices and due process, including the right to request a hearing with the Tennessee Department of Human Services or other responsible state agency as required by the Tennessee Department of Human Services or other responsible state agency's governing statutes and rules.
  - (e) The State Board shall send written notice to educators whose licenses are subject to automatic suspension at least thirty (30) days prior to the State Board meeting at which such suspension shall occur, using the educator's contact information in the State of Tennessee's educator licensure database (TN Compass) as required by paragraph (10) of this Rule.
  - (f) Upon receipt of notice from the Tennessee Department of Human Services or other responsible state agency that the educator has come into

compliance after automatic suspension for one (1) of the offenses set forth in subparagraph (d), the State Board staff shall reinstate the license of the educator in accordance with the State Board approved order of suspension.

- (g) Expired Licenses, Prohibition on Reactivation – If the State Board receives verification of the identity of an individual with an expired license who would qualify for automatic revocation under paragraph (4)(a) of this Rule if the individual possessed an active educator license, the State Board shall take action to prohibit the individual from applying to reactivate the expired license.

1. The State Board shall send written notice to individuals who will be prohibited from applying to reactivate an expired license at least thirty (30) days prior to the State Board meeting at which such action shall occur, using the educator's contact information in the State of Tennessee's educator licensure database (TN Compass) as required by paragraph (10) of this Rule.
2. The State Board shall send notice of an action taken pursuant to this subparagraph (g) to the national clearinghouse administered by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

(5) Disciplinary Actions.

- (a) For the following categories of offenses, the State Board may impose disciplinary action upon its findings as detailed below:

1. Conviction of a felony.
  - (i) Upon receiving notification that an individual has been convicted of a felony, the individual shall be subject to disciplinary action within the range of a suspension of not less than two (2) years up to and including permanent revocation of the convicted individual's educator license.
2. Conviction of a misdemeanor where the victim is a student and/or a minor.
  - (i) Upon receiving notification that an individual has been convicted of a misdemeanor where the victim is a student and/or a minor, the individual shall be subject to disciplinary action within the range of a suspension of not less than six (6) months up to and including revocation of the convicted individual's educator license.
3. Use, possession, or under the influence of alcohol or illegal substances.
  - (i) An individual holding an educator's license who is found to be in possession of, consuming, or under the influence of alcohol, or illegal substances while on school premises or property 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, consuming, or under the influence of alcohol, or illegal substances while on school premises or property without 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.

(iii) An individual holding an educator's license who is found to be in possession of, consuming, or under the influence of alcohol or illegal substances while not on school premises or property, 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, consuming, or under the influence of alcohol or illegal substances while not on school premises or property, 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 up to and including a two (2) year suspension.

4. 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, but presented the potential for physical or mental harm, shall be subject to a disciplinary action within the range of a letter of formal reprimand up to and including a two (2) 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 (1) year up to and including permanent revocation.

5. Noncompliance with security guidelines for state-mandated test, TCAP, or successor test.

(i) An individual holding an educator's license who is found to have been noncompliant with security guidelines for a state-mandated test, TCAP, or successor test shall be subject to a disciplinary action

within the range of a letter of formal reprimand up to and including revocation.

6. Unprofessionalism.

- (i) 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.
- (ii) 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 permanent revocation.
- (iii) 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.

7. Inappropriate Physical Contact.

- (i) An individual holding an educator's license who is found to have engaged in inappropriate physical contact with a student that does not result in harm or potential harm to the student shall be subject to a disciplinary action within the range of a formal reprimand up to and including suspension for two (2) years.
- (ii) An individual holding an educator's license who is found to have engaged in inappropriate physical contact with a student that results in harm or potential harm to the student shall be subject to a disciplinary action within the range of a suspension for not less than two (2) years up to and including permanent revocation.

8. Falsification of Licensure Documentation.

- (i) An individual holding an educator's license who is found to have falsified licensure documentation shall be subject to a disciplinary action within the range of revocation or permanent revocation.

9. Violation of the Teacher Code of Ethics.

- (i) An individual holding an educator's license who is found to have violated the Teacher Code of Ethics contained in T.C.A. Title 49, Chapter 5, Part 10 shall be subject to a disciplinary action within the range of a formal reprimand up to and including revocation.

- (b) Similar Offenses – Actions related or similar to the above-enumerated offenses in paragraphs (3), (4), and (5)(a) shall carry recommended disciplinary action commensurate with the range established for the

similar offense. The State Board may take action against an educator's license for any similar offense occurring in another state in the United States, other jurisdiction, or other country, if the conduct would justify action under Tennessee law or this Rule.

- (c) Reasonable Force – Nothing in this part shall prevent an educator from exercising his or her lawful authority to use 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.
  - (d) Repeated Violations – Individuals holding an educator's license who are subject to multiple disciplinary actions by the State Board shall face disciplinary action in excess of the recommended ranges. A third violation, regardless of severity, shall be subject to a recommendation of revocation.
  - (e) Discipline Range – Nothing in this Rule shall prohibit the State Board from imposing a disciplinary action outside of the uniform discipline range upon good cause shown.
  - (f) Eligibility for Employment during Review – The notation on an individual's educator licensure database file (TN Compass) that an educator's license is under review by the State Board is not a disciplinary action under this Rule and does not prohibit a licensed educator from being employed by a school or school system, as that educator still has an active license. An individual with a notation on their educator licensure database file (TN Compass) that their educator license is under review by the State Board shall continue to be responsible for completing any requirements for renewal or advancement of their license during the period of time that the individual's educator license is under review, because the license remains active.
- (6) Issuance of Temporary Permits.
- (a) The Commissioner of Education ("Commissioner") may grant, on behalf of the State Board, under conditions outlined in T.C.A. § 49-5-106(a)(1), State Board Rule 0520-02-03-.12, and this Rule, a temporary permit to an unlicensed individual to teach in an unfilled position, which permit shall be valid only until June 30 following the date of issuance.
    - 1. The permit application of any individual who indicates an affirmative answer on the personal affirmation section of the application shall be sent by the Commissioner to the State Board for review in accordance with this Rule for a determination of whether the permit may be issued by the Commissioner. 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. Issuance of a permit is considered on a case- by-case basis and the burden of proof rests with the individual applying for the permit. In the case of a felony conviction, the individual shall also show that any sentence imposed, including any pre-trial diversion or probationary period, has been completed. Additionally, an

application for issuance of a permit may be denied if an action against the individual's license has been taken or is pending in this state or another state.

2. There shall be a rebuttable presumption that any individual applying for a permit who has committed an offense that would subject him or her to discipline under this Rule if the individual had a license, shall be presumed ineligible to receive a permit.
3. An individual shall meet the requirements set forth in this Rule and State Board Rule 0520-02-03-.12 for each issuance of a permit.
4. If an individual teaching on a permit issued by the Commissioner is reported by a Director as described above in paragraph (2) and the misconduct, if substantiated, would warrant disciplinary action under this Rule if the individual had a license, the State Board may direct the Commissioner not to issue a subsequent permit upon expiration of the individual's current permit pursuant to T.C.A. § 49-5-106(a).
5. Case Review.
  - (i) State Board counsel shall present an initial recommendation regarding granting or denying a permit application to the case review committee consisting of State Board staff who shall review the entire file to determine whether to recommend issuance of a permit or denial of an application for a permit, or in the case of an individual reported by a Director as described above in paragraph (2), whether to direct the Commissioner not to issue any subsequent permits to the individual. The case review committee may also determine that additional investigation is necessary before a recommendation can be made.
  - (ii) If the case review committee recommends that the State Board direct the Commissioner to deny an application for a permit or not to issue any subsequent permits to the individual under this Rule, the recommendation will be presented to the State Board at a regularly scheduled State Board meeting. State Board counsel will notify the individual of the recommendation and the State Board's policy regarding requests to speak at State Board meetings.
6. If an individual has had an application for a permit denied by the Commissioner, the individual must indicate such on any future application for an educator license or permit in Tennessee.

(7) Reinstatement or Restoration of a License.

(a) Reinstatement.

1. An individual whose license has been suspended under this Rule shall have his or her educator license reinstated after the

period of suspension has been completed, and, where applicable, the individual has presented proof of compliance with all terms and conditions prescribed by the State Board in the approved order of suspension. Suspended licenses are subject to the expiration and renewal rules of the State Board. An individual whose license expires during the period of suspension must apply for reactivation. A suspended license may not be reinstated if an action has been taken or is pending against the educator's license in another state.

(b) Restoration.

1. An individual whose license has been revoked under this Rule may apply to the State Board to have the license restored upon application showing that the cause for revocation no longer exists and that the individual has complied with any terms and conditions imposed in the approved order of revocation. To show the cause no longer exists, the individual shall show cause why the license should be restored despite the misconduct that resulted in the individual's license being revoked. The individual shall provide evidence of rehabilitation and fitness to perform the duties authorized and required by the license sought. In the case of a felony conviction, the individual shall also show that any sentence imposed, including any pre-trial diversion or probationary period, has been completed. Application for such restoration shall be made to State Board counsel in accordance with State Board License Reinstatement and License Restoration Applications Policy 5.500.
2. An individual whose license has been revoked under this Rule is not 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, unless a shorter period of time is specified in the State Board approved order of revocation pursuant to paragraph (5)(e) of this Rule. An individual whose license has been permanently revoked shall not be eligible to reapply for licensure.
3. In any deliberation by the State Board to restore a license that has been revoked, there shall be a rebuttable presumption that an individual whose license has been revoked is unfit for licensure. Nothing in this Rule is intended to guarantee restoration of a license.
4. Restoration of an educator license is considered on a case-by-case basis. The burden of proof rests with the individual applying for restoration of the license. An application for restoration also may be denied if an action against the individual's educator license has been taken or is pending in another state.
5. Exception for Expired Licenses – An individual whose license expired during the period of revocation may apply for reactivation, unless the license was permanently revoked. Because the individual's license is expired, the individual shall submit a reactivation application instead of a restoration application. The individual shall show why the license should be

reactivated despite the individual's affirmative answers to the personal affirmation questions on his or her application and that the individual has complied with any terms and conditions imposed in the approved order of revocation. The individual shall show cause why the license should be reactivated despite the misconduct that resulted in the individual's license being revoked. In the case of a felony conviction, the individual shall also show that any sentence imposed, including any pre-trial diversion or probationary period, has been completed. Applications for reactivation shall be submitted in TNCompass in accordance with State Board License Reinstatement and License Restoration Applications Policy 5.500.

- (i) Reactivation of an expired revoked license is considered on a case-by-case basis. The burden of proof rests with the individual applying for reactivation of the license. An application for reactivation may also be denied if an action against the individual's educator license has been taken or is pending in another state.
  - 6. If the case review committee recommends the revoked license be restored or, in the case of an expired revoked license, reactivated, Board counsel shall send notice to the individual that his or her application for restoration or reactivation will be presented to the State Board for approval at its next regularly scheduled meeting.
  - 7. Paragraphs (12) and (13) of this Rule address procedures to be followed if the case review committee recommends the restoration application be denied or denial of an application to reactivate an expired revoked license. The Board is not bound by the case review committee's recommendation.
- (8) Denial of a License.
- (a) An individual who has been denied an educator license may reapply for a license at any point after denial provided the individual has complied with any terms and conditions imposed in the approved order of denial. If the individual indicates an affirmative answer on the personal affirmation section of the application for a Tennessee educator license, the individual shall show why the license should be issued despite the individual's affirmative answers. Issuance of a license is considered on a case-by-case basis and the burden of proof rests with the individual applying for the license. In the case of a felony conviction, the individual shall also show that any sentence imposed, including any pre-trial diversion or probationary period has been completed. An application for issuance of a license may be denied if an action against the individual's license has been taken or is pending in another state.
  - (b) Presumptive Denial – There shall be a rebuttable presumption that any individual applying for an educator license who has committed an offense that would subject him or her to revocation or suspension shall be presumed ineligible to receive a Tennessee educator license.
- (9) Scope of Disciplinary Action – An individual whose license has been suspended or revoked, shall not serve as a school volunteer or be employed, directly or

indirectly, as an educator, paraprofessional, aide, substitute teacher, or in any other position in a school during the period of the suspension or revocation.

- (10) **Duty to Maintain Updated Contact Information** - Individuals have a duty to maintain up-to-date contact information, including but not limited to address, e-mail address, and phone number, in the state of Tennessee's educator licensure database (TN Compass). Any changes to the individual's contact information shall be updated by the individual in the educator license database (TN Compass) within thirty (30) days of the change. All notices provided by the State Board to individuals under this Rule shall be sent to the individual's contact information in TNCompass.
- (11) **Case Review** - State Board counsel shall present an initial recommendation for licensure action or non- action to a case review committee consisting of State Board staff who shall review the entire file to determine whether disciplinary action should be recommended to the State Board against an individual's license, or whether to issue, renew, restore or reactivate an individual's license. The case review committee may also determine that additional information is necessary before a recommendation can be made.
- (12) **Denial of an Initial Application or Application to Reactivate an Expired License** - If the case review committee recommends that the State Board deny an initial application for a Tennessee educator license or an application to reactivate an expired license under this Rule, said denial will be presented to the State Board at a regularly scheduled State Board meeting. State Board counsel will notify individuals of the denial recommendation and the State Board's policy regarding requests to speak at State Board meetings.
- (13) **Proposed Action and Due Process Rights** – If the case review committee recommends that the State Board formally reprimand, suspend, or revoke an individual's license, deny the renewal of an individual's license under paragraphs (3) or (5) of this Rule, or that the State Board deny restoration under paragraph (7), State Board counsel shall send notice of the proposed action to the individual in writing using the individual's contact information in the State of Tennessee's educator licensure database (TN Compass). The notice sent by State Board counsel regarding the proposed licensure action shall state that the individual is entitled to request that a hearing be conducted as a contested case under the Uniform Administrative Procedures Act ("UAPA"), T.C.A. §§ 4-5-301, et seq., and shall include the individual's right to show compliance pursuant to T.C.A. § 4-5-320(c). State Board counsel shall also include a proposed consent order to be agreed to by the individual. Should the individual fail to request a hearing within the specified time period or fail to take action with regard to the consent order, a contested case proceeding shall be instituted against him or her, of which the individual shall be sent separate notice of official charges for license action and notice directing him or her to appear at a specified time and place for a hearing to be held before an Administrative Law Judge ("ALJ") sitting on behalf of the State Board pursuant to the UAPA, T.C.A. §§ 4-5-301, et seq. Should the individual fail to appear, a default judgment may be taken against his or her license. If the individual requests a hearing, then State Board counsel schedules a hearing to be conducted as a contested case proceeding with an ALJ sitting on behalf of the State Board pursuant to the UAPA. The State Board or the individual may appeal the Initial Order of the ALJ to the State Board or to Chancery Court, pursuant to the UAPA, or seek reconsideration from the ALJ.

- (14) Consent Order/Action - If the individual consents to the proposed licensure action, State Board counsel shall present the consent order to the State Board for approval at a regularly scheduled meeting. The State Board is not bound by the recommendation contained in the consent order. The State Board may vote to approve the consent order, to impose less harsh disciplinary action, or to pull the item from the agenda for reconsideration of a harsher disciplinary action. If a harsher disciplinary action is recommended by the State Board, State Board counsel shall send a new notice to the individual regarding his or her right to request a hearing pursuant to paragraph thirteen (13) of this Rule.
- (15) Contested Case Proceedings – All contested case hearings before the State Board or an ALJ sitting on behalf of the State Board shall be conducted pursuant to the Tennessee Department of State's Uniform Rules of Procedure for Contested Cases Before State Administrative Agencies, Chapter 1360-04-01.
- (16) Assessment of Costs – When a final order is issued following a contested case hearing, before the State Board or an ALJ sitting on behalf of the State Board, in which an individual is issued a formal reprimand or the individual's license is denied, non-renewed, suspended, or revoked under this Rule, State Board counsel may request that the State Board, or an ALJ sitting on behalf of the State Board, order that reasonable costs associated with the contested case hearing be assessed against the individual pursuant to T.C.A. § 49-5-419. The reasonable costs associated with the contested case hearing shall be determined by the State Board or the ALJ sitting on behalf of the State Board and shall be based upon billing associated with the contested case hearing received from the State of Tennessee Department of State Administrative Procedures Division.
- (17) Discipline Schedule – The following chart outlines the least and greatest disciplinary ranges for the offenses listed as indicated by the shaded squares, provided that the State Board may impose discipline outside of the stated range as provided in paragraph (5)(e) of this Rule

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	Letter of Formal Reprimand	Suspension of 3 months up to and including 6 months	Suspension of 6 months up to and including 1 Year	Suspension of 1 Year up to and including 18 Months	Suspension of 18 months up to and including 2 Years	Suspension of 2 years up to and including Revocation	Revocation	Permanent Revocation
Noncompliance with security guidelines								
Director of Schools Failure to Report								
Negligence w/o Harm or with potential for harm)								
Inappropriate Physical Contact w/o Harm								
Unprofessionalism - Inappropriate Communication (Non-Explicit)								
Unprofessionalism - Inappropriate Use of School Property								
Possession/Use/Under Influence - Off School Premises/Property w/o Children Present During School Related Activity								
Possession/Use/Under Influence - Off School Premises/Property w/ Children								
Possession/Use/Under Influence - On School Premises/Property w/o Children								
Possession/Use/Under Influence - On School Premises/Property w/ Children								
Violation of Teacher Code of Ethics								
Negligence w/ Harm								
Inappropriate Physical Contact with Harm								
Felony Conviction								
Misdemeanor Conviction (Minor Victim)								
Falsification of Licensure Documentation								

	Letter of Formal Reprimand	Suspension of 3 months up to and including 6 months	Suspension of 6 months up to and including 1 Year	Suspension of 1 Year up to and including 18 Months	Suspension of 18 months up to and including 2 Years	Suspension of 2 years up to and including Revocation	Revocation	Permanent Revocation
Unprofessionalism-Inappropriate Communication (Explicit)								

**Authority:** T.C.A. §§ 4-5-301 et seq., 4-5-320, 49-1-302, 49-1-607, 49-5-106, 49-5-108, 49-5-413, 49-5-417, and 49-5-419. **Administrative History:** 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. Amendment filed May 29, 2015; effective August 27, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016. Emergency rule filed September 5, 2017; effective through March 4, 2018. Amendments filed December 5, 2017; effective March 5, 2018. Amendments filed February 3, 2020; effective May 3, 2020. Amendments filed November 30, 2020; effective February 28, 2021. Amendments filed August 5, 2021; effective November 3, 2021. Amendments filed September 2, 2022; effective December 1, 2022.

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

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

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the State Board of Education on 8/4/2023, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 05/22/2023

Rulemaking Hearing(s) Conducted on: (add more dates). 07/13/2023

Date: 08/21/23

Signature: 

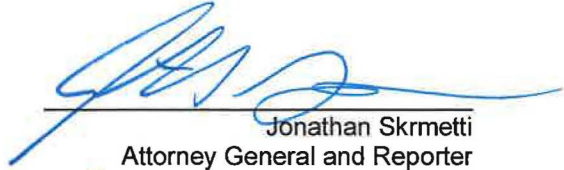
Name of Officer: Angie Sanders

Title of Officer: General Counsel

Agency/Board/Commission: State Board of Education

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

All rulemaking hearing 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  
Aug 25, 2023  
Date

**Department of State Use Only**

Filed with the Department of State on: 8/29/2023

Effective on: 11/27/2023

  
\_\_\_\_\_  
Tre Hargett  
Secretary of State

**RECEIVED**

Aug 29 2023, 9:18 am

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Division of Publications

**Public Hearing Comments**

The Tennessee State Board of Education held a public rulemaking hearing on Rule 0520-02-03-.09 on July 13, 2023, at 500 James Robertson Parkway, Nashville, TN and via Webex. No public comments were submitted at the hearing regarding this rule.

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

This rule does not affect small businesses.

### **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."

This rule has no fiscal impact on local governments.

### **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;

State Board Rule 0520-02-03-.09 governs the denial, formal reprimand, suspension, and revocation of a Tennessee educator license and denial of a temporary permit application.

Revisions to this Rule incorporate changes from new legislation passed by the General Assembly during the 2023 legislative session. The legislation and resulting rule revisions:

- Remove the requirement that the State Board automatically suspend an educator's license for defaulting on a student loan payment (Public Chapter 93 of 2023).
- Give the State Board authority to automatically revoke an educator's license without the right to a hearing pursuant to a court order, settlement agreement, or plea agreement requiring the educator to surrender his or her Tennessee educator license (Public Chapter 267 of 2023).
- Gives the State Board authority to prohibit individuals with an expired license from applying for reactivation if the individual has committed conduct that would require the State Board to automatically revoke their license if it were still active. The law also requires the State Board to report these individuals to other states via the national clearinghouse (Public Chapter 267 of 2023).
- Clarifies the penalties for directors who fail to report misconduct to the State Board (Public Chapter 267 of 2023).

In addition, edits were made in alignment with Public Chapter 222 of 2023 which clarified that individuals who fall under the following classifications are ineligible for an educator license or a temporary permit in Tennessee:

- An individual who has been substantiated by DCS or similar agency in another jurisdiction as having committed child abuse, severe child abuse, child sexual abuse, or child neglect.
- An individual who has been placed on the state's vulnerable person's registry, the state's sex offender registry, or on a similar registry in another jurisdiction.

Other edits were made to the rule to clarify that applications for the restoration or reactivation of a revoked license must be reviewed and approved by the State Board at a regularly scheduled meeting.

- (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;

T.C.A. § 49-1-302 requires the State Board of Education to set the qualifications, requirements and standards of and provide the licenses and certificates for all public school teachers, principals, assistant principals, supervisors and directors of schools.

T.C.A. § 49-1-302 authorizes the State Board of Education to make rules governing the discipline of licensed personnel for misconduct by formal reprimand or by the suspension or revocation of licenses and certificates.

T.C.A. § 49-5-108 directs the State Board of Education to promulgate rules and regulations governing the issuance of licenses for supervisors, principals and public school teachers. These rules and regulations shall prescribe standards controlling the issuance and renewal of all licenses and permits.

Public Chapter 267 of 2023 revised various provisions regarding the automatic revocation of educator licenses by the State Board.

Public Chapter 222 of 2023 revised various provisions regarding the issuance, reactivation, and restoration of educator licenses by the State Board.

Public Chapter 93 of 2023 removed the requirement that the State Board automatically suspend the license of an educator for defaulting on a student loan.

- (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 Tennessee Department of Education and State Board of Education are directly affected by this rule and both urge adoption. Local Education Agencies and licensed Tennessee educators are also directly affected by this rule. The State Board was not contacted by Local Education Agencies or licensed educators 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)

- (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)

- (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)

(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-.09 DENIAL, FORMAL REPRIMAND, SUSPENSION AND REVOCATION.**

(1) Definitions:

- (a) Conviction – Means a judgment entered by a court upon a plea of guilty, a plea of nolo contendere, a finding of guilt by a jury or the court notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment. Conviction includes, but is not limited to, a conviction by a federal court or military tribunal, including a court-martial conducted by the armed forces of the United States, and a conviction, whether upon a plea of guilty, a plea of nolo contendere, or a finding of guilt by a jury or the court, in any other state of the United States, other jurisdiction, or other country. Conviction also includes a plea taken in conjunction with Tennessee Code Annotated ("T.C.A.") § 40-35-313 or its equivalent in any other jurisdiction.
- (b) Dismissed – With regard to employment action taken by an employing public or non-public school or school system, dismissed means the termination of a licensed educator's employment with the school or school system or non-renewal of the educator's contract.
- (c) Formal Reprimand – A less harsh licensing action than the suspension, revocation, or denial of a license, which admonishes an educator for certain conduct under this Rule. An educator who has been reprimanded by the State Board of Education ("State Board") under this Rule shall receive a letter from the State Board, which shall become part of the educator's state record and may become part of the educator's local record, indicating that the inappropriate conduct is discouraged and shall be subject to further disciplinary action if repeated.
- (d) Inappropriate Communication (Explicit) – Any communication between an educator and a student that describes, represents, or alludes to sexual activity or any other illegal activity. This includes, but is not limited to, communication defined as sexual misconduct under T.C.A. § 49-5-417, communication defined as sexually related behavior under T.C.A. § 49-5-1003(b)(15), and communication that would encourage illegal activity such as encouraging the use or purchase of illegal substances. This shall not be construed to prevent an educator from communication regarding sexual or illegal activities for educational purposes such as in teaching family-life curriculum pursuant to T.C.A. §§ 49-6-1307 et seq. or drug abuse resistance education pursuant to T.C.A. § 49-1-402 or to prevent an educator from upholding the educator's obligation as a mandatory reporter of child abuse, neglect, or child sexual abuse.
- (e) 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 educator's or

student's past or current romantic relationships; those that include the use of profanities or obscene language; those that are harassing, intimidating, or bullying; those that attempt to establish an inappropriate personal relationship with a student; and those that are related to personal or confidential information regarding another school staff member or student.

- (f) Inappropriate Physical Contact – Unlawful and/or unjustified physical contact with a student. Examples of such inappropriate physical contact include, but are not limited to, sexual contact, physical altercations, horseplay, tickling, improper use of corporal punishment, improper restraint or isolation of a student receiving special education services, and rough housing.
- (g) Inappropriate Physical Contact ~~w~~With Harm – Inappropriate physical contact as described in subparagraph (f) above that results in physical or mental harm.
- (h) Negligence – Failure to exercise the care toward others that a reasonable or prudent person would exercise under the circumstances or taking action that a reasonable person would not. Examples of such negligence include, but are not limited to, situations that expose students to mental or physical harm or the potential for mental or physical harm such as leaving dangerous items in the classroom or in areas easily accessible to students and leaving students unattended.
- (i) Non-~~C~~ompliance with ~~S~~ecurity ~~G~~uidelines for ~~S~~tate-~~M~~andated ~~T~~est, TCAP or ~~S~~uccessor ~~T~~est – Any person found to have not followed security guidelines for administration of a state-mandated test, the TCAP or a successor test, including but not limited to, making or distributing unauthorized photos or copies of the test, altering a grade or answer sheet of student responses or answers, providing copies or photos of answers or test questions to students or others, and otherwise compromising the integrity of the testing process (which includes, but is not limited to, providing unauthorized assistance to students during administration of testing).
- (j) Official School Business – Any activity undertaken by an educator in an official capacity and in connection with the educator's employment. Examples include, but are not limited to, conferences, professional development, trainings, and seminars.
- (k) Other Good Cause – Conduct that calls into question the fitness of an educator to hold a license including, but not limited to, violation of any provision in the Teacher Code of Ethics as contained in T.C.A. §§ 49-5-1001, et seq.
- (l) Permanent Revocation – The nullification of an educator's license without eligibility for future restoration. Permanent revocation also includes the voluntary permanent surrender of an educator's license without eligibility for future restoration.
- (m) School Premises – Any real property and/or land owned, leased, managed, controlled, or under the custody of a state or local education agency, school system, or school.
- (n) School Property – Any property owned, leased, managed, controlled, or under the custody of a state or local education agency, school system, or school.
- (o) School Related Activity – Any activity in which a student participates, 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.
- (p) Suspension – With regard to licensure action by the State Board, suspension means

the nullification of an educator's license for a predetermined term, after which the license may be reinstated. Reinstatement shall be subject to the completion of any terms and conditions contained in the order of suspension. With regard to employment action taken by a public or non-public school or school district, suspension means the temporary removal of an educator from his or her regular duties with or without pay. Suspension also includes the placement of an educator on administrative leave pending investigation into allegations of misconduct.

- (q) Revocation— The nullification of an educator's license for a period of at least five (5) years, after which an educator may petition the State Board for restoration under paragraph (7)(b). Revocation also includes the voluntary surrender of an educator's license for a period of at least five (5) years, after which an educator may petition the State Board for restoration under paragraph (7)(b). A shorter period of revocation may be specified as provided for in paragraph (5)(~~ef~~) of this Rule, allowing an educator to apply for restoration earlier than five\_(5) years from the date of revocation.

(2) Notification to the State Board of Education.

- (a) Licensed Educators - It is the responsibility of the Director of Schools of the employing public or non-public school or school ~~system-district~~ or Director of a public charter school ("Director") to report to the State Board licensed educators who have been suspended or dismissed, or who have resigned, following allegations of misconduct, including sexual misconduct, which, if substantiated, would warrant consideration for license suspension, revocation, or formal reprimand under this Rule. The report shall be submitted within thirty (30) days of the suspension, dismissal, or resignation. The Director shall also report felony convictions and convictions for any offense listed in paragraph 4(a) of this Rule of licensed educators within thirty (30) days of receiving knowledge of the conviction or within thirty (30) days of receiving knowledge that the educator has met other conditions in paragraph 4(a) of this Rule. The Director shall also report individuals employed by the public or non-public school or district with an expired license who are convicted of any offense listed in paragraph 4(a) of this Rule or who meet any of the conditions in paragraph (4)(a) of this Rule, within thirty (30) days of receiving knowledge of the individual's conviction or that the individual has met other conditions in paragraph 4(a) of this Rule. Schools and school ~~systems-districts~~ have a duty to respond to State Board inquiries and provide to the State Board, except when prohibited by law, any available documentation requested concerning the allegations contained in the report. If the State Board receives information regarding a licensed educator who was not reported as described in this paragraph, and such information, if substantiated, would warrant licensure action under this Rule, the State Board reserves the right to place the educator's license file in the state's educator licensure database (TN Compass) under review.
- (b) Educators Teaching on a Temporary Permit -- Directors shall report individuals teaching on a temporary permit to the State Board under the same conditions outlined in the above paragraph (2)(a). Schools and school ~~systems-districts~~ have a duty to respond to State Board inquiries and provide to the State Board, except when prohibited by law, any available documentation requested concerning the allegations contained in the report. If the State Board receives information regarding an individual teaching on a permit who was not reported as described in this paragraph, and such information, if substantiated, would warrant disciplinary action under this Rule, the State Board reserves the right to place an individual's file under review in

the state's educator licensure database (TN Compass).

(b)

(c) **Penalty for Failure to Report** – If a Director holds an active educator license, then the State Board may formally reprimand or suspend the Director's license for failure to make a report as required by paragraphs (2)(a)-(b) of this Rule or State law. If the State Board issues a formal reprimand or suspends a Director's educator license for the Director's failure to make a required report, then the State Board shall send notice of the license action to the local board of education, charter school governing body, or non-public school governing body, as applicable. The State Board may issue a public reprimand if a Director who does not hold an active educator license fails to make a report as required by paragraphs (2)(a)-(b) of this Rule or State law. If the State Board issues a public reprimand to a Director who does not hold an active educator license, the State Board shall send a copy of the public reprimand to the Director and to the local board of education, charter school governing body, or non-public school governing body, as applicable.

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- (3) The State Board may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license or may refuse to issue a temporary permit for any of the following reasons:

- (a) Conviction of a felony;
- (b) Conviction of possession of illegal drugs;
- (c) Being on school premises, school property, at a school-related activity involving students, or on official school business, while possessing, consuming, or under the influence of alcohol or illegal drugs;
- (d) Falsification or altering of a license or permit or documentation required for licensure or permit;
- (e) Inappropriate physical contact with a student;
- (f) Failure to report as required under paragraph (2)(a) of this Rule;
- (g) Noncompliance with security guidelines for state-mandated tests, and/or TCAP or successor test;
- (h) Denial, formal reprimand, suspension, or revocation/surrender of a license or certificate in another jurisdiction for reasons which would justify denial, formal reprimand, suspension, or revocation under this Rrule;
- (i) Other good cause as defined in subparagraph (1)(k) of this Rrule; or
- (j) Any offense contained in paragraphs (4) and/or (5) of this Rrule.

- (4) Automatic Revocation and Suspension.

- (a) Automatic Revocation of License – The State Board shall automatically revoke or automatically permanently revoke, without the right to a hearing, the license of an educator for the following:
  - 1. Upon receiving verification of the identity of the licensed educator together with a certified copy of a criminal record showing that the licensed educator has been convicted of any of the following offenses (including, but not limited to, conviction for the same or similar offense in any jurisdiction). Educators whose conviction includes a plea taken in conjunction with T.C.A. § 40-35-313 and such conviction is eligible for expungement under T.C.A. § 40-35-313, or its equivalent in any other jurisdiction, shall not be subject to automatic

permanent revocation.

- (i) ~~Upon receiving verification of the identity of~~ Communicating a threat concerning a school employee, as described in T.C.A. § 39-13-114;
  - (ii) Statutory rape by an authority figure, as described in T.C.A. § 39-13-532;
  - (iii) Arson or aggravated arson, as described in T.C.A. § 39-14-301 and § 39-14-302;
  - (iv) A burglary offense, as described in T.C.A. § 39-13-1001 - § 39-13-1004;
  - (v) Child abuse, child neglect, or child endangerment, as described in T.C.A. § 39-15-401;
  - (vi) Aggravated child abuse, aggravated child neglect, or aggravated child endangerment, as described in T.C.A. § 39-15-402;
  - (vii) Providing handguns to juveniles, as described in T.C.A. § 39-17-1320;
  - (viii) A sexual offense or a violent sexual offense, as described in T.C.A. § 40-39-202;
  - (ix) A felony offense in T.C.A. title 39, chapter 13;
  - (x) A felony offense in T.C.A. title 39, chapter 17, part 13; or
  - (xi) Any offense listed in T.C.A. § 39-17-417 or § 40-35-501(i)(2); ~~or~~
2. Being identified by the Department of Children's Services ("DCS") ~~or similar agency in another jurisdiction~~, after having exhausted or waived all due process rights available to the licensed educator, as having committed child abuse, severe child abuse, child sexual abuse, or child neglect as stated in T.C.A. § 49-5-413, ~~or similar laws in another jurisdiction; or~~
3. ~~The licensed educator's name being placed on the state's vulnerable person's registry or the state's sex offender registry, or similar registries in another jurisdiction; or~~
4. ~~Receiving verification of the identity of the licensed educator together with a certified copy of a court order, settlement agreement, or plea agreement in a criminal, civil, or administrative action requiring the educator to surrender the educator's Tennessee license. Unless otherwise stated in the court order, settlement agreement, or plea agreement, the educator may apply for restoration after five (5) years from the date of revocation, as long as the restoration of the license is in accordance with applicable state law and this Rule.~~
- (b) ~~Educators who are subject to automatic revocation for reasons set forth in paragraph (4)(a)2 or (4)(a)3 of this Rule shall have their license automatically permanently revoked.~~
- (c) The State Board shall send notice to educators whose licenses are subject to automatic revocation or automatic permanent revocation at least thirty (30) days prior to the board meeting at which such revocation shall occur, using the educator's contact information in the State of Tennessee's educator licensure database (TN Compass) as required by paragraph (10) of this ~~R~~rule.

- (d) Automatic Suspension of License –The State Board shall automatically suspend, without the right to a hearing, the license of an educator upon receiving notice from the Tennessee Department of Human Services or other responsible state agency that an educator has failed to comply with an order of support for alimony or child support, pursuant to T.C.A. § 36-5-706, (identified in parts 1 and 2 below) of the identity of the licensed educator together with notification that the educator has committed any of the following offenses, and that the educator has been afforded all notices and due process, including the right to request a hearing with the Tennessee Department of Human Services or other responsible state agency as required by the Tennessee Department of Human Services or other responsible state agency's governing statutes and rules.:
1. Receipt of notice from the Tennessee Student Assistance Corporation ("TSAC") or guarantee agency that an educator has defaulted on a student loan pursuant to T.C.A. § 49-5-108(d)(2), provided, however, pursuant to T.C.A. § 49-5-108(d)(2)(B), the State Board may elect not to suspend the license or certificate of an educator if the default or delinquency is the result of a medical hardship that prevented the educator from working in the educator's licensed field and the medical hardship significantly contributed to the default or delinquency; or
  2. Receipt of notice from the Tennessee Department of Human Services or other responsible state agency that an educator has failed to comply with an order of support for alimony or child support, pursuant to T.C.A. § 36-5-706.
- (e) The State Board shall send written notice to educators whose licenses are subject to automatic suspension at least thirty (30) days prior to the State Board meeting at which such suspension shall occur, using the educator's contact information in the State of Tennessee's educator licensure database (TN Compass) as required by paragraph (10) of this Rule.
- (f) Upon receipt of notice from the Tennessee Department of Human Services or other responsible state agency that the educator has come into compliance after automatic suspension for one (1) of the offenses set forth in part 1 or 2 of subparagraph (d), the State Board staff shall reinstate the license of the educator in accordance with the State Board approved order of suspension.
- (g) Expired Licenses, Prohibition on Reactivation – If the State Board receives verification of the identity of an individual with an expired license who would qualify for automatic revocation under paragraph (4)(a) of this Rule if the individual possessed an active educator license, the State Board shall take action to prohibit the individual from applying to reactivate the expired license.
1. The State Board shall send written notice to individuals who will be prohibited from applying to reactivate an expired license at least thirty (30) days prior to the State Board meeting at which such action shall occur, using the educator's contact information in the State of Tennessee's educator licensure database (TN Compass) as required by paragraph (10) of this Rule.
  - 1.2. The State Board shall send notice of an action taken pursuant to this subparagraph (g) to the national clearinghouse administered by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

(5) Disciplinary Actions.

- (a) For the following categories of offenses, the State Board may impose disciplinary action upon its findings as detailed below:

1. Conviction of a felony.

- (i) Upon receiving notification that an individual has been convicted of a felony, the individual shall be subject to disciplinary action within the range of a suspension of not less than two (2) years up to and including permanent revocation of the convicted individual's educator license.

2. Conviction of a misdemeanor where the victim is a student and/or a minor.

- (i) Upon receiving notification that an individual has been convicted of a misdemeanor where the victim is a student and/or a minor, the individual shall be subject to disciplinary action within the range of a suspension of not less than six (6) months up to and including revocation of the convicted individual's educator license.

3. Use, possession, or under the influence of alcohol or illegal substances.

- (i) An individual holding an educator's license who is found to be in possession of, consuming, or under the influence of alcohol, or illegal substances while on school premises or property 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, consuming, or under the influence of alcohol, or illegal substances while on school premises or property without 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.
- (iii) An individual holding an educator's license who is found to be in possession of, consuming, or under the influence of alcohol or illegal substances while not on school premises or property, 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, consuming, or under the influence of alcohol or illegal substances while not on school premises or property, 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 up to and including a two (2) year suspension.

4. 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, but presented the potential for physical or mental harm, shall be subject to a disciplinary action within the range of a letter of formal reprimand up to and including a two (2) 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 (1) year up to and including permanent revocation.
- 5. Noncompliance with security guidelines for state-mandated test, TCAP, or successor test.
  - (i) An individual holding an educator's license who is found to have been noncompliant with security guidelines for a state-mandated test, TCAP, or successor test shall be subject to a disciplinary action within the range of a letter of formal reprimand up to and including revocation.
- 6. Unprofessionalism.
  - (i) 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.
  - (ii) 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 permanent revocation.
  - (iii) 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.
- 7. Inappropriate Physical Contact.
  - (i) An individual holding an educator's license who is found to have engaged in inappropriate physical contact with a student that does not result in harm or potential harm to the student shall be subject to a disciplinary action within the range of a formal reprimand up to and including suspension for two (2) years.
  - (ii) An individual holding an educator's license who is found to have engaged in inappropriate physical contact with a student that results in harm or potential harm to the student shall be subject to a disciplinary action within the range of a suspension for not less than two (2) years up to and including permanent revocation.
- 8. Falsification of Licensure Documentation.
  - (i) An individual holding an educator's license who is found to have falsified licensure documentation shall be subject to a disciplinary action within the range of revocation or permanent revocation.

9. Violation of the Teacher Code of Ethics.

- (i) An individual holding an educator's license who is found to have violated the Teacher Code of Ethics contained in T.C.A. Title 49, Chapter 5, Part 10 shall be subject to a disciplinary action within the range of a formal reprimand up to and including revocation.

~~(b) Voluntary Surrender of a License in Compliance with a Court Order or Settlement— Upon receipt of information that an educator is required to voluntarily surrender or voluntarily permanently surrender their license as a result of a court order, settlement agreement, or plea agreement, State Board counsel shall send the proposed action to the individual in writing using the individual's contact information in the State of Tennessee's educator licensure database (TN Compass). The notice shall include a proposed consent order to be agreed to by the individual and include notice that they are entitled to request that a hearing be conducted as a contested case under the Uniform Administrative Procedures Act ("UAPA"), T.C.A. §§ 4-5-301, et seq., and the individual's right to show compliance pursuant to T.C.A. § 4-5-320(c). Should the individual request a hearing, the requirements set forth in paragraph (13) of this rule shall apply. If the individual consents to the proposed licensure action, State Board counsel shall present the consent order to the State Board for approval. This subparagraph shall not apply to educators subject to automatic revocation under paragraph (4)(a) of this rule.~~

~~(e)(b)~~ Similar Offenses – Actions related or similar to the above-enumerated offenses in paragraphs (3), (4), and (5)(a) shall carry recommended disciplinary action commensurate with the range established for the similar offense. The State Board may take action against an educator's license for any similar offense occurring in another state in the United States, other jurisdiction, or other country, if the conduct would justify action under Tennessee law or this Rrule.

~~(d)(c)~~ Reasonable Force – Nothing in this part shall prevent an educator from exercising his or her lawful authority to use 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.

~~(e)(d)~~ Repeated Violations – Individuals holding an educator's license who are subject to multiple disciplinary actions by the State Board shall face disciplinary action in excess of the recommended ranges. A third violation, regardless of severity, shall be subject to a recommendation of revocation.

~~(f)(e)~~ Discipline Range – Nothing in this Rrule shall prohibit the State Board from imposing a disciplinary action outside of the uniform discipline range upon good cause shown.

~~(g)(f)~~ Eligibility for Employment during Review – The notation on an individual's educator licensure database file (TN Compass) that an educator's license is under review by the State Board is not a disciplinary action under this Rrule and does not prohibit a licensed educator from being employed by a school or school system, as that educator still has an active license. An individual with a notation on their educator licensure database file (TN Compass) that their educator license is under review by the State Board shall continue to be responsible for completing any requirements for renewal or advancement of their license during the period of time that the individual's educator license is under review, because the license remains active.

(6) Issuance of Temporary Permits.

- (a) The Commissioner of Education ("Commissioner") may grant, on behalf of the State Board, under conditions outlined in T.C.A. § 49-5-106(a)(1), State Board Rule 0520-02-03-.12 and this Rule, a temporary permit to an unlicensed individual to teach in an unfilled position, which permit shall be valid only until June 30 following the date of issuance.
1. The permit application of any individual who indicates an affirmative answer on the personal affirmation section of the application shall be sent by the Commissioner to the State Board for review in accordance with this Rule for a determination of whether the permit may be issued by the Commissioner. 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. Issuance of a permit is considered on a case- by-case basis and the burden of proof rests with the individual applying for the permit. In the case of a felony conviction, the individual shall also show that any sentence imposed, including any pre-trial diversion or probationary period, has been completed. Additionally, an application for issuance of a permit may be denied if an action against the individual's license has been taken or is pending in this state or another state.
  2. There shall be a rebuttable presumption that any individual applying for a permit who has committed an offense that would subject him or her to discipline under this Rule if the individual had a license, shall be presumed ineligible to receive a permit.
  3. An individual shall meet the requirements set forth in this Rule and State Board Rule 0520-02-03-.12 for each issuance of a permit.
  4. If an individual teaching on a permit issued by the Commissioner is reported by a Director as described above in paragraph (2) and the misconduct, if substantiated, would warrant disciplinary action under this Rule if the individual had a license, the State Board may direct the Commissioner not to issue a subsequent permit upon expiration of the individual's current permit pursuant to T.C.A. § 49-5-106(a).
  5. Case Review.
    - (i) State Board counsel shall present an initial recommendation regarding granting or denying a permit application to the case review committee consisting of State Board staff who shall review the entire file to determine whether to recommend issuance of a permit or denial of an application for a permit, or in the case of an individual reported by a Director as described above in paragraph (2), whether to direct the Commissioner not to issue any subsequent permits to the individual. The case review committee may also determine that additional investigation is necessary before a recommendation can be made.
    - (ii) If the case review committee recommends that the State Board direct the Commissioner to deny an application for a permit or not to issue any subsequent permits to the individual under this Rule, the recommendation will be presented to the State Board at a regularly scheduled State Board meeting. State Board counsel will notify the individual of the recommendation and the State Board's policy

regarding requests to speak at State Board meetings.

6. If an individual has had an application for a permit denied by the Commissioner, the individual must indicate such on any future application for an educator license or permit in Tennessee.

(7) Reinstatement or Restoration of a License.

(a) Reinstatement.

1. An individual whose license has been suspended under this Rrule ~~may shall~~ have his or her educator license reinstated after the period of suspension has been completed, and, where applicable, the individual has presented proof of compliance with all terms and conditions prescribed by the State Board in the approved order of suspension. Suspended licenses are subject to the expiration and renewal rules of the State Board. An individual whose license expires during the period of suspension must apply for reactivation. A suspended license may not be reinstated if an action has been taken or is pending against the educator's license in another state.

(b) Restoration.

1. An individual whose license has been revoked under this Rrule may apply to the State Board to have the license restored upon application showing that the cause for revocation no longer exists and that the ~~person-individual~~ has complied with any terms and conditions imposed in the approved order of revocation. To show the cause no longer exists, the individual shall show cause why the license should be restored despite the misconduct that resulted in the individual's license being revoked. The individual shall provide evidence of rehabilitation and fitness to perform the duties authorized and required by the license sought. In the case of a felony conviction, the individual shall also show that any sentence imposed, including any pre-trial diversion or probationary period, has been completed. Application for such restoration shall be made to State Board counsel in accordance with State Board License Reinstatement and License Restoration Applications Policy 5.500.
2. An individual whose license has been revoked under this Rrule ~~shall is~~ 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, unless a shorter period of time is specified in the State Board approved order of revocation pursuant to paragraph (5)(ef) of this Rrule. An individual whose license has been permanently revoked shall not be eligible to reapply for licensure.
3. In any deliberation by the State Board to restore a license that has been revoked, there shall be a rebuttable presumption that an individual whose license has been revoked is unfit for licensure. Nothing in this Rrule is intended to guarantee restoration of a license.
4. Restoration of an educator license is considered on a case-by-case basis. The burden of proof rests with the individual applying for restoration of the license. An application for restoration also may be denied if an action against the individual's educator license has been taken or is pending in another state.
5. Exception for Expired Licenses – An individual whose license expired during the period of revocation may apply for reactivation, unless the license was

permanently revoked. Because the individual's license is expired, the individual shall submit a reactivation application instead of a restoration application. The individual shall show why the license should be reactivated despite the individual's affirmative answers to the personal affirmation questions on his or her application and that the individual has complied with any terms and conditions imposed in the approved order of revocation. The individual shall show cause why the license should be reactivated despite the misconduct that resulted in the individual's license being revoked. In the case of a felony conviction, the individual shall also show that any sentence imposed, including any pre-trial diversion or probationary period, has been completed. Applications for reactivation shall be submitted in TNCompass in accordance with State Board License Reinstatement and License Restoration Applications Policy 5.500.

(i) Reactivation of an expired revoked license is considered on a case-by-case basis. The burden of proof rests with the individual applying for reactivation of the license. An application for reactivation may also be denied if an action against the individual's educator license has been taken or is pending in another state.

6. If the case review committee recommends the revoked license be restored or, in the case of an expired revoked license, reactivated, Board counsel shall send notice to the individual that his or her application for restoration or reactivation will be presented to the State Board for approval at its next regularly scheduled meeting.

7. Paragraphs (12) and (13) of this Rule address procedures to be followed if the case review committee recommends the restoration application be denied or denial of an application to reactivate an expired revoked license. The Board is not bound by the case review committee's recommendation.

(8) Denial of a License.

(a) An individual who has been denied an educator license may reapply for a license at any point after denial provided the individual has complied with any terms and conditions imposed in the approved order of denial. If the individual indicates an affirmative answer on the personal affirmation section of the application for a Tennessee educator license, the individual shall show why the license should be issued despite the individual's affirmative answers. Issuance of a license is considered on a case-by-case basis and the burden of proof rests with the individual applying for the license. In the case of a felony conviction, the individual shall also show that any sentence imposed, including any pre-trial diversion or probationary period has been completed. An application for issuance of a license may be denied if an action against the individual's license has been taken or is pending in another state.

(b) Presumptive Denial – There shall be a rebuttable presumption that any individual applying for an educator license who has committed an offense that would subject him or her to revocation or suspension shall be presumed ineligible to receive a Tennessee educator license.

(9) Scope of Disciplinary Action – An individual whose license has been suspended or revoked, shall not serve as a school volunteer or be employed, directly or indirectly, as an educator, paraprofessional, aide, substitute teacher, or in any other position in a school during the

period of the suspension or revocation.

- (10) Duty to Maintain Updated Contact Information - Individuals have a duty to maintain up-to-date contact information, including but not limited to address, e-mail address, and phone number, in the state of Tennessee's educator licensure database (TN Compass). Any changes to the individual's contact information shall be updated by the individual in the educator license database (TN Compass) within thirty (30) days of the change. All notices provided by the State Board to individuals under this Rule shall be sent to the individual's contact information in TN Compass.
- (11) Case Review - State Board counsel shall present an initial recommendation for licensure action or non- action to a case review committee consisting of State Board staff who shall review the entire file to determine whether disciplinary action should be recommended to the State Board against an individual's license, or whether to issue, renew, restore or reactivate an individual's license. The case review committee may also determine that additional information is necessary before a recommendation can be made.
- (12) Denial of an Initial Application or Application to Reactivate an Expired License - If the case review committee recommends that the State Board deny an initial application for a Tennessee educator license or an application to reactivate an expired license under this Rule, said denial will be presented to the State Board at a regularly scheduled State Board meeting. State Board counsel will notify individuals of the denial recommendation and the State Board's policy regarding requests to speak at State Board meetings.
- (13) Proposed Action and Due Process Rights – If the case review committee recommends that the State Board formally reprimand, suspend, or revoke an individual's license, ~~or~~ deny the renewal of an individual's license under paragraphs (3) or (5) of this Rule, or that the State Board deny restoration under paragraph (7), State Board counsel shall send notice of the proposed action to the individual in writing using the individual's contact information in the State of Tennessee's educator licensure database (TN Compass). The notice sent by State Board counsel regarding the proposed licensure action and shall state that the individual that they are is entitled to request that a hearing be conducted as a contested case under the Uniform Administrative Procedures Act ("UAPA"), T.C.A. §§ 4-5-301, et seq., and shall include the individual's right to show compliance pursuant to T.C.A. § 4-5-320(c). State Board counsel ~~may~~ shall also include a proposed consent order to be agreed to by the individual. Should the individual fail to request a hearing within the specified time period or fail to take action with regard to the consent order, a contested case proceeding shall be instituted against him or her, of which the individual shall be sent separate notice of official charges for license action and notice directing him or her to appear at a specified time and place for a hearing to be held before an Administrative Law Judge ("ALJ") sitting on behalf of the State Board pursuant to the UAPA, T.C.A. §§ 4-5-301, et seq. Should the individual fail to appear, a default judgment may be taken against his or her license. If the individual requests a hearing, then State Board counsel schedules a hearing to be conducted as a contested case proceeding with an ALJ sitting on behalf of the State Board pursuant to the UAPA. The State Board or the individual may appeal the Initial Order of the ALJ to the State Board or to Chancery Court in Davidson County, Tennessee, pursuant to the UAPA, or seek reconsideration from the ALJ.
- (14) Consent Order/Action - If the individual consents to the proposed licensure action, State Board counsel shall present the consent order to the State Board for approval at a regularly scheduled meeting. The State Board is not bound by the recommendation contained in the consent order. The State Board may vote to approve the consent order, to impose less harsh disciplinary action, or to pull the item from the agenda for reconsideration of a harsher disciplinary action. If a harsher disciplinary action is recommended by the State Board, State

Board counsel shall send a new notice to the individual regarding his or her right to request a hearing pursuant to paragraph thirteen (13) of this Rrule.

- (15) Contested Case Proceedings – All contested case hearings before the State Board or an ALJ sitting on behalf of the State Board shall be conducted pursuant to the Tennessee Department of State's Uniform Rules of Procedures for Contested Cases Hearings Before State Administrative Agencies, Rules Chapter 1360-04-01-.01 through 1360-04-01-.20.
- (16) Assessment of Costs – When a final order is issued following a contested case hearing, before the State Board or an ALJ sitting on behalf of the State Board, in which an individual is issued a formal reprimand or the individual's license is denied, non-renewed, suspended, or revoked under this Rrule, State Board counsel may request that the State Board, or an ALJ sitting on behalf of the State Board, order that reasonable costs associated with the contested case hearing be assessed against the individual pursuant to T.C.A. § 49-5-419. The reasonable costs associated with the contested case hearing shall be determined by the State Board or the ALJ sitting on behalf of the State Board and shall be based upon billing associated with the contested case hearing received from the State of Tennessee Department of State Administrative Procedures Division.
- (17) Discipline Schedule – The following chart outlines the least and greatest disciplinary ranges for the offenses listed as indicated by the shaded squares, provided that the State Board may impose discipline outside of the stated range as provided in paragraph (5)(ef) of this Rrule.

	Letter of Formal Reprimand	Suspension of 3 months up to and including 6 months	Suspension of 6 months up to and including 1 Year	Suspension of 1 Year up to and including 18 Months	Suspension of 18 months up to and including 2 Years	Suspension of 2 years up to and including Revocation	Revocation	Permanent Revocation
Noncompliance with security guidelines								
Director of Schools Failure to Report								
Negligence w/o Harm or with potential for harm)								
Inappropriate Physical Contact w/o Harm								
Unprofessionalism - Inappropriate Communication (Non-Explicit)								
Unprofessionalism - Inappropriate Use of School Property								

	Letter of Formal Reprimand	Suspension of 3 months up to and including 6 months	Suspension of 6 months up to and including 1 Year	Suspension of 1 Year up to and including 18 Months	Suspension of 18 months up to and including 2 Years	Suspension of 2 years up to and including Revocation	Revocation	Permanent Revocation
Possession/Use/Under Influence - Off School Premises/Property w/o Children Present During School Related Activity								
Possession/Use/Under Influence - Off School Premises/Property w/ Children								
Possession/Use/Under Influence - On School Premises/Property w/o Children								
Possession/Use/Under Influence - On School Premises/Property w/ Children								
Violation of Teacher Code of Ethics								
Negligence w/ Harm								
Inappropriate Physical Contact with Harm								
Felony Conviction								
Misdemeanor Conviction (Minor Victim)								
Falsification of Licensure Documentation								
Unprofessionalism - Inappropriate Communication (Explicit)								

**Authority:** T.C.A. §§ 4-5-320, 49-1-302, 49-1-607, 49-5-106, 49-5-108, 49-5-413, 49-5-417, and 49-5-419. **Administrative History:** 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. Amendment filed May 29, 2015; effective August 27, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal and new rules filed October 27, 2015; effective January 25, 2016. Emergency rule filed September 5, 2017; effective through March 4, 2018. Amendments filed December 5, 2017; effective March 5, 2018. Amendments filed February 3, 2020; effective May 3, 2020. Amendments filed November 30, 2020; effective February 28, 2021. Amendments filed August 5, 2021; effective November 3, 2021. Amendments filed September 2, 2022; effective December 1, 2022.