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Sequence Number: 10-06-16  
Rule ID(s): 6330-6332  
File Date: 10/7/16  
Effective Date: 1/5/17

## Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

*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).*

<b>Agency/Board/Commission:</b>	State Board of Education
<b>Division:</b>	
<b>Contact Person:</b>	Elizabeth Taylor
<b>Address:</b>	710 James Robertson Parkway Andrew Johnson Tower 1 <sup>st</sup> Floor Nashville, TN
<b>Zip:</b>	37243
<b>Phone:</b>	615-253-5707
<b>Email:</b>	<a href="mailto:Elizabeth.Taylor@tn.gov">Elizabeth.Taylor@tn.gov</a>

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

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0520-01-06	Child Nutrition Programs
Rule Number	Rule Title
0520-01-06-.05	Minimum Requirements for Non-Participation

<b>Chapter Number</b>	<b>Chapter Title</b>
0520-01-02	Administrative Rules and Regulations
<b>Rule Number</b>	<b>Rule Title</b>
0520-01-02-.02	Salary Schedules

<b>Chapter Number</b>	<b>Chapter Title</b>
0520-02-03	Educator Licensure
<b>Rule Number</b>	<b>Rule Title</b>
0520-02-03-.04	School Service Personnel Licenses

New Rule

RULES  
OF  
THE TENNESSEE DEPARTMENT OF EDUCATION  
THE STATE BOARD OF EDUCATION

CHAPTER 0520-01-06  
ADMINISTRATIVE RULES AND REGULATIONS

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0520-1-06-.03	Minimum Requirements for Each		Participation
	Participating School		

0520-01-06-.05 MINIMUM REQUIREMENTS FOR NON-PARTICIPATION

High Schools may decline participation in the National School Lunch Program or the minimum nutrition standards established in this chapter through a district waiver request to the Department of Education provided that:

- (1) Schools must still provide free and reduced priced meals to qualifying students following the standards set forth by USDA;
- (2) The district complies with all other relevant provisions of T.C.A. § 49-6-2303; and
- (3) The district acknowledges that it will not receive federal or state funding for meals served at schools that are granted a waiver from participation in the National School Lunch program.

Waivers must be submitted to the Department of Education prior to July 1 annually. Waivers will not be granted to any school serving students below grade 9. Waivers do not apply to snack food and beverages sold to students during the school day.

Authority: T.C.A. §§ 49-41-320 and 49-6-2303

Amendments

Rule 0520-01-02-.02 Salary Schedules, is amended by deleting the text of the rule in its entirety and by substituting instead the following language so that, as amended, it shall read:

**RULES  
OF  
THE TENNESSEE DEPARTMENT OF EDUCATION  
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-02  
ADMINISTRATIVE RULES AND REGULATIONS**

**0520-01-02-.02 SALARY SCHEDULES.**

- (1) The State Board of Education shall adopt annual salary schedule(s) for all licensed personnel; such salary schedule(s) shall be effective for all school systems.
- (2) Schools systems may adopt a proposed alternative salary schedule subject to approval by the State Board of Education and the Commissioner of Education.
- (3) The salary of a licensed educator is determined by a combination of experience and academic training. In the case where a licensed teacher is serving as a substitute for a regular teacher on leave whose accumulated leave has not been exhausted, the school system may compensate the licensed educator as a substitute.
- (4) The individual educator shall provide evidence of experience and training to the school system for verification and approval.
- (5) Experience.
  - (a) School systems, at their discretion, may recognize the following types of work-related experience including, but not limited to:
    1. Verified administrative, supervisory, and teaching experience in public schools or non-public schools approved by recognized accrediting agencies, or approved by the Tennessee Department of Education, or any Pre-K program funded by the Tennessee Department of Education;
    2. Verified teaching experience in the PreK-12 schools operated by the United States government either within or outside the United States;
    3. Verified teaching experience in a regionally accredited institution of higher education;
    4. Verified teaching experience as a part of visiting teacher programs authorized by the United States government or a foreign ministry of education;
    5. Verified experience as a professional employee of the State Board of Education, the State Department of Education, and the Comptroller's Office of Educational Accountability (OREA);
    6. Verified active military service in the armed forces of the United States shall be recognized. Military service in the Reserve or in the National Guard, other than

active duty, shall not be counted; or

7. Verified professional work experience in the fields typically held by school service personnel (audiology, speech-language pathologist, psychology, social worker, counselor) in settings other than public or private schools.

(b) Amounts of Experience.

1. An educator may accrue one (1) year of experience for teaching for a specified period determined by the school system.
2. An educator may accrue one (1) year of experience for each year of work-related experience obtained prior to joining a school system as long as the work experience is greater than or equal to a year of experience, as determined by the school system, including military experience.
3. Credit for college or university teaching experience shall be based upon the teaching load carried by a full-time teacher as certified by the college official in charge of teachers' records.

(6) Training. Salary ratings shall be adjusted for college or university course work completed after the start of the current school year as follows:

- (a) For college or university course work completed after the start of the current school year but before September 1, the salary rating shall be adjusted as of September 1 of the current school year. The employee must notify the local education agency of the employee's intent to complete course work prior to Aug. 31, and the local education agency must file documentation of changes to the employee's salary rating with the State Department of Education on or before October 15 of the current school year.
- (b) For college or university course work completed after August 31, but before January 1 of the current school year, the salary rating shall be adjusted as of January 1 of the current school year. The employee must notify the local education agency of the employee's intent to complete course work prior to Jan. 1. The local education agency must file documentation of changes to the employee's salary rating with the State Department of Education on, or before, February 15 of the current school year.

(7) Differentiated Pay.

- (a) School systems shall develop, adopt, and implement a differentiated pay plan under guidelines established by the State Board of Education and subject to approval by the Department of Education to aid in staffing hard-to-staff subject areas and schools and in hiring and retaining highly qualified teachers.
- (b) School systems are encouraged to make annual adjustments to their differentiated pay plans. Differentiated pay plans should be targeted to aid districts in meeting their staffing needs.

Authority: T.C.A. §§ 49-1-302, 49-3-306, 49-5-402, and 49-6-101.

Rule 0520-02-03-.04 School Service Personnel Licenses, is amended to add educational interpreter to (2)(a) and (b) so that, as amended, it shall read:

RULES  
OF  
THE STATE BOARD OF EDUCATION  
  
CHAPTER 0520-02-03  
TEACHER EDUCATION AND LICENSURE

0520-02-03-.04 School Service Personnel Licenses.

- (1) General requirements for licensure, as defined in Rule 0520-02-03-.01 General Information and Regulations, apply to all school service personnel licenses.
- (2) Licenses Currently Issued.
  - (a) Practitioner School Service Personnel License. Initial three (3) -year license issued to applicants upon completion of a preparation program approved by the State Board of Education, leading to endorsement as a school counselor, school psychologist, school social worker, educational interpreter, school food service supervisor, school speech-language pathologist, or school audiologist. Applicants must have also submitted qualifying scores on the state required licensure assessment. The Practitioner School Service Personnel License is renewable once.
  - (b) Professional School Service Personnel License. A six (6) -year license issued to applicants upon meeting licensure expectations at the practitioner level, as a school counselor, school psychologist, school social worker, educational interpreter, school food service supervisor, school speech-language pathologist, or school audiologist. The Professional School Service Personnel License is renewable.
- (3) License Advancement and Renewal.
  - (a) Practitioner School Service Personnel License. At the end of the validity period of the initial practitioner license, if the educator has not met licensure expectations, the practitioner license may be renewed once. If the educator has not met licensure expectations at the end of the second validity period, the license will become inactive.
  - (b) Professional School Service Personnel License. At the end of the validity period of the professional license, if the educator has met licensure expectations, the license will be renewed. If the educator has not met licensure expectations, the license will become inactive.

Authority: T.C.A. § 49-1-302.

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Chancey	X				
Edwards	X				
Hartgrove	X				
Johnson				X	
Pearre	X				
Roberts	X				
Rolston	X				
Tucker	X				
Troutt				X	

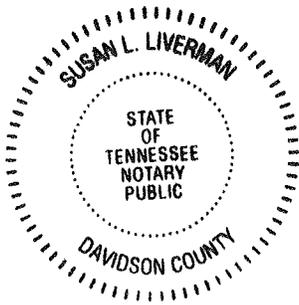
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the (board/commission/other authority) on 04/15/2016 (date as mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: August 24, 2016

Signature: *Sara Heyburn*

Name of Officer: Dr. Sara Heyburn

Title of Officer: Executive Director



Subscribed and sworn to before me on: 8-26-2016

Notary Public Signature: *Susan L. Liverman*

My commission expires on: 8-4-2020

All proposed 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.

*Herbert H. Slatery III*  
 Herbert H. Slatery III  
 Attorney General and Reporter  
9/26/2016  
 Date

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Filed with the Department of State on: 10/7/16

Effective on: 1/5/17

*Tre Hargett*

Tre Hargett  
 Secretary of State

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

Not applicable.

## **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

These rules will have no 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;

0520-01-02-.02 Salary Schedules - This amendment to rule 0520-01-02 is an update to reflect local flexibilities in determining educator salaries. Key changes include: clarifying that school systems have statutory authority to propose an alternative salary schedule for Board approval; clarifying that the educator bears the burden of proving his or her experience and/or training; providing general guidance of allowable types of experience and reinforces the latitude of LEAs to recognize work-related experiences, determining how educators accrue years of experience, and determining which training it recognizes; and inclusion of the statutory requirement that LEAs adopt differentiated pay policies in accordance with Board guidelines.

0520-02-03-.04 School Service Personnel Licenses – This amendment adds an educational interpreter license under the category of School Services Personnel and provides professional recognition for those holding a bachelor's degree and national certification including professional salary. This professional licensure will offer competitive compensation for those currently graduating from higher education preparatory programs and encourage them to remain in Tennessee and serve Tennessee students to ensure that students who are deaf, deaf-blind, or hard of hearing will have the same access to the curriculum and educational opportunities as all other students in Tennessee.

0520-01-06-.05 Minimum Requirements for Non-Participation – Currently all school districts in Tennessee participate in the National School Lunch Program. However, if a district decided to no longer participate in the School Lunch Program, they would still be legally required to follow the nutrition standards of the federal program under current state board rules. This new rule added to the School Nutrition Chapter establishes a waiver process from the federal nutrition standards for those districts that choose not to participate in the National School Lunch Program.

- (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;

0520-01-02-.02 Salary Schedules – Pursuant to T.C.A. § 49-1-302, it is the duty of the State Board, and it has the power to develop and adopt a policy establishing levels of compensation that are correlated to levels and standards of teacher competency approved by the board.

0520-02-03-.04 School Service Personnel Licenses - T.C.A. § 49-5-108 vests complete jurisdiction over the issuance and administration of licenses for supervisors, principals and public school teachers for kindergarten through grade twelve (K-12) with the State Board of Education.

0520-01-06-.05 Minimum Requirements for Non-Participation - Pursuant to T.C.A. § 49-1-302, it is the duty of the State Board, and it has the power to develop and adopt policies, formulas and guidelines for school food services. Moreover, T.C.A. § 49-6-2303 authorizes the State Board of Education to promulgate rules with regard to child nutrition programs in Tennessee.

- (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;

0520-01-02-.02 Salary Schedules – This rule most directly affects local boards of education and educators who have neither urged adoption nor rejection of this rule. The Board supports the rule change.

0520-02-03-.04 School Service Personnel Licenses - Local boards of education and educational interpreters are most directly affected by this rule. Initially, stakeholders believed the rule would apply to foreign language interpreters and urged rejection. However, after it was explained that the rule is only for persons employed by local school systems as interpreters for students who are deaf, deaf-blind, or hard of hearing; they were amenable to adoption. The State Board supports the rule change.

0520-01-06-.05 Minimum Requirements for Non-Participation – Local boards of education and their school nutrition program are most directly affected by this rule neither of which has urged adoption nor rejection of the rule. The State Board supports the rule change.

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

N/A

- (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;

N/A

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

Elizabeth Taylor  
[Elizabeth.Taylor@tn.gov](mailto:Elizabeth.Taylor@tn.gov)

Nathan James  
[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;

Elizabeth Taylor  
[Elizabeth.Taylor@tn.gov](mailto:Elizabeth.Taylor@tn.gov)

Nathan James  
[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

Elizabeth Taylor  
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Nathan James  
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Nashville, TN 37243  
(615)-532-3528

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

N/A

**RULE  
OF  
THE STATE BOARD OF  
EDUCATION**

**CHAPTER 0520-01-06  
CHILD NUTRITION PROGRAMS**

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0520-01-06-.03	Minimum Requirements for Each Participating School		

**0520-01-06-.01 GENERAL REGULATIONS.**

The State Board of Education adopts by reference the Compilation of Federal Regulations at 7 C.F.R. Parts 210 and 220 in their entirety unless otherwise provided herein as the policies and procedures for administration of nutrition programs and services in the state.

**Authority:** T.C.A. §§ 49-41-320 and 49-6-2303. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed April 15, 1983; effective May 16, 1983. Repeal and new rule filed May 21, 1987; effective August 29, 1987. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Repeal and new rule filed May 26, 2015; effective August 24, 2015.

**0520-01-06-.02 SCHOOLS ELIGIBLE TO RECEIVE FEDERAL ASSISTANCE FOR CHILD NUTRITION PROGRAMS.**

- (1) The State Department of Education shall determine which schools are eligible to participate in the national school lunch, school breakfast, and other food service programs based upon an application submitted by the local board of education.
- (2) The State Department of Education shall enter into a USDA approved standard form of agreement with the appropriate local board of education. The agreement shall cover the operation of the national school lunch program, school breakfast program, and any other applicable child nutrition programs. This agreement shall contain all of the conditions prescribed in the federal-state agreement. The State Department of Education shall not reimburse a school in the absence of an agreement nor permit retroactive agreements.

**Authority:** T.C.A. § 49-6-2301 et seq. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed April 15, 1983; effective May 16, 1983. Repeal and new rule filed May 21, 1987; effective August 29, 1987. Repeal and new rule filed March 16, 1992; effective June 29, 1992.

**0520-01-06-.03 MINIMUM REQUIREMENTS FOR EACH PARTICIPATING SCHOOL.**

Facilities and equipment for the storage, preparation, and serving of food shall be maintained by the local school system.

**Authority:** T.C.A. § 49-6-2301 et seq. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed April 15, 1983. Repeal and new rule filed May 21, 1987; effective August 29, 1987.

**0520-01-06-.04 SPECIAL EXEMPTIONS FOR INFREQUENT SCHOOL-SPONSORED FUNDRAISERS.**

*LEAs may set special exemptions for infrequent school-sponsored fundraisers that sell foods or beverages that do not meet the nutrition standards for Smart Snacks. Such specially exempted fundraisers shall take place no more than twenty (20) days per semester per school site. No specially exempted fundraiser foods or beverages may be sold in competition with school meals in the food service area during the meal service. The principal of the school shall ensure that the twenty (20) day limit per semester is not exceeded.*

(Rule 0520-01-06-.04, continued)

LEAs shall include the special exemptions set for infrequent school-sponsored fundraisers in the Local Wellness Policy required by the Healthy, Hunger-Free Kids Act of 2010.

LEAs may request approval to exceed the twenty (20) day limit per semester from the Department of Education.\*

\*Final rule approval pending

**Authority:** T.C.A. §§ 49-1-302, 49-6-2303, 78 Fed. Reg. 125 (June 28, 2013). **Administrative History:** Original rule filed May 25, 2005; effective August 8, 2005. Amendment filed November 30, 2007; effective March 28, 2008. Repeal and new rule filed May 26, 2015; effective August 24, 2015; Amendment.

#### 0520-01-06-.05 MINIMUM REQUIREMENTS FOR NON-PARTICIPATION

High Schools may decline participation in the National School Lunch Program or the minimum nutrition standards established in this chapter through a district waiver request to the Department of Education provided that:

- (1) Schools must still provide free and reduced priced meals to qualifying students following the standards set forth by USDA;
- (2) The district complies with all other relevant provisions of T.C.A. § 49-6-2303; and
- (3) The district acknowledges that it will not receive federal or state funding for meals served at schools that are granted a waiver from participation in the National School Lunch program.

Waivers must be submitted to the department prior to July 1 annually. Waivers will not be granted to any school serving students below grade 9. Waivers do not apply to snack food and beverages sold to students during the school day.

Authority: T.C.A. §§ 49-1-302, 49-6-2303.

Substance of Proposed Rule

**0520-01-02  
ADMINISTRATIVE RULES AND REGULATIONS**

Rule 0520-01-02-.02 Salary Schedules, is amended so that, as amended, it shall read:

**0520-01-02-.02 SALARY SCHEDULES.**

- (1) The State Board of Education shall adopt annual salary schedule(s) for all licensed personnel; such salary schedule(s) shall be effective for all school systems.
- (2) ~~Schools systems may adopt a proposed an alternative salary schedule, subject to approval by the State Board of Education, and the Commissioner of Education.~~
- (23) ~~The salary of a licensed educator (except a substitute teacher who is teaching for a regular teacher on leave whose accumulated leave has not been exhausted) is determined by a combination of experience and academic training. In the case where a licensed teacher is serving as a substitute for a regular teacher on leave whose accumulated leave has not been exhausted the school system may compensate the licensed educator as a substitute.~~
- (4) ~~The individual educator shall provide evidence of experience and training to the school system for verification and approval.~~
- (35) Experience.
  - (a) ~~Kinds of Recognized Experience. School systems, at their discretion, may recognize the following types of work-related experience including but not limited to:~~
    1. ~~Verified administrative, supervisory and teaching experience in public schools or in private non-public schools approved by recognized accrediting agencies or approved by the Tennessee Department of Education, or any Pre-K program funded by the Tennessee Department of Education.~~
    2. ~~Verified teaching experience in the PreK-12 schools operated by the United States government either within or outside the United States. Experience as a professional employee of the Office of Education Accountability, the State Board of Education or the State Department of Education;~~
    3. ~~Verified teaching experience in a regionally accredited institution of higher education. Higher education teaching experience in an institution approved by a regional accrediting association;~~
    4. ~~Verified teaching experience as a part of visiting teacher programs authorized by the United States government or a foreign ministry of education. U.S. Government service teaching programs;~~
    5. ~~Verified experience as a professional employee of the State Board of Education, the State Department of Education, Comptroller's Office of Educational Accountability (OREA), Teacher exchange programs;~~
    6. ~~Verified active military service in the armed forces of the United States shall be recognized. Military service in the Reserve or in the National Guard, other than active duty, shall not be counted. Experience as president of the Tennessee Education Association; and~~

7. ~~Verified professional work experience in the fields typically held by school service personnel (audiology, speech-language pathologist, psychology, social worker, counselor) in settings other than public or private schools. Active military service in the armed forces of the United States shall be recognized. Military service in the Reserve or in the National Guard, other than active duty, shall not be counted.~~

8. ~~Verified experience as a licensed/certificated speech-language pathologist or audiologist in settings other than public or private schools may be counted for salary purposes on the system-wide salary schedule if approved by the local director of schools.~~

(b) ~~Amounts of Experience. The burden of proof of experience rests with the individual teacher.~~

(c) ~~Amounts of Experience.~~

1. ~~An educator may accrue one year of experience for teaching for a specified period determined by the school system.~~

~~During any one fiscal year (July 1 through June 30) not more than ten months of experience may be counted. The number of years' teaching experience shall be determined by dividing the total number of months taught by ten. A fraction of five or more months shall be counted as a full year's teaching experience.~~

2. ~~An educator may accrue one year of experience for each year of work-related experience obtained prior to joining a school system as long as the work experience is greater than or equal to a year of experience, as determined by the school system, including military experience. Not more than five years' experience in the armed forces of the United States shall be counted.~~

3. ~~Credit for college or university teaching experience shall be based upon the teaching load carried by a full-time teacher as certified by the college official in charge of teachers' records.~~

(46) ~~Training. Salary ratings shall be adjusted for college or university course work completed after the start of the current school year as follows:~~

(a) ~~For college or university course work completed after the start of the current school year but before September 1, the salary rating shall be adjusted as of September 1 of the current school year. The employee must notify the local education agency of the employee's intent to complete course work prior to Aug. 31, and the local education agency must file documentation of changes to the employee's salary rating with the State Department of Education on or before October 15 of the current school year.~~

(b) ~~For college or university course work completed after August 31 but before January 1 of the current school year, the salary rating shall be adjusted as of January 1 of the current school year. The employee must notify the local education agency of the employee's intent to complete course work prior to Jan. 1, and the local education agency must file documentation of changes to the employee's salary rating with the State Department of Education on or before February 15 of the current school year.~~

(7) ~~Differentiated Pay~~

(a) ~~(a) School systems shall develop, adopt and implement a differentiated pay plan under guidelines established by the State Board of Education and subject to approval by the Department of Education to aid in staffing hard-to-staff subject areas~~

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and schools and in hiring and retaining highly qualified teachers.

- (b) School systems are encouraged to make annual adjustments to their differentiated pay plans. Differentiated pay plans should be targeted to aid districts in meeting their staffing needs.

Authority: T.C.A. §§ 49-1-302, 49-1-302(a)(5), 49-3-306, 49-5-402, and 49-6-101.

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Substance of Proposed Rule

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

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0520-02-03-.05	Occupational Education Licenses	0520-02-03-.10 through 0520-02-03-.94	Repealed

0520-02-03-.01 General Information and Regulations.

(1) Prospective Educators.

- (a) **Securing a License.** The educator shall be responsible for securing a license, verifying its accuracy, maintaining its validity, registering it with the employing board of education, and meeting the requirements of T.C.A. § 49-5-101.
- (b) Unless otherwise designated in this chapter, prospective educators seeking initial licensure must hold a bachelor's degree from a regionally accredited college or university, be enrolled in or have completed a state-approved educator preparation program, and meet all requirements regarding assessments and qualifying scores as specified by State Board of Education rules or policy.
- (c) Prospective educators seeking initial licensure must meet requirements in at least one area of endorsement.
- (d) **In-State Applicant for Initial License.** An In-State applicant applying for an initial license must apply through the appropriate official of the educator preparation provider.
- (e) At the time of application, prospective educators seeking initial licensure must be recommended by an approved educator preparation provider.
  - 1. For applicants who have completed a licensure program, the provider must indicate that the applicant has successfully completed all required components of the program and indicate the area(s) of endorsement for which the applicant has successfully completed requirements. Recommendations must be received within five (5) years of the date of program completion. If a candidate completed a program more than five (5) years prior to the date of the application, the candidate may attempt to secure an updated recommendation from the provider. Educator preparation providers are under no obligation to issue an updated recommendation. Recommendations must attest that the candidate has met current standards for licensure.
  - 2. For applicants who are enrolled in a licensure program, the provider must indicate the area(s) of endorsement for which the applicant has successfully demonstrated content competency. Verification of successful program completion, including verification of the endorsement areas for which the candidate is recommended, must be submitted by the end of the validity period of the initial license.

- (f) Official transcripts of all college credits, bearing the school seal and/or signature of the registrar, must be submitted with the application. These transcripts and forms upon which licensure is granted become the property of the State of Tennessee. Photocopies are not acceptable.
- (g) Upon receipt of the applications, transcripts, and results of required assessments, materials will be evaluated and a license will be issued to the applicant or the applicant will be notified of deficiencies.

(2) Licensed Educators.

- (a) Duration of License or Certificate. Initial licenses become valid on the date of issuance. The end of the validity period of the license will be set for August 31. The year of expiration is determined by the date of issuance and advances one year on March 1 of each year.
- (b) Licensure Expectations. All expectations for licensure advancement and renewal shall be defined in State Board of Education policy.
- (c) Change of Name and Address. If a licensed educator changes his or her name or address by legal means, the holder must report such changes to the Office of Educator Licensing within thirty (30) days of making the change.

Authority: T.C.A. § 49-1-302.

0520-02-03-.02 Teacher Licenses.

- (1) General requirements for licensure, as defined in Rule 0520-02-03-01 General Information and Regulations, apply to all teacher licenses.

(2) Licenses Currently Issued.

- (a) Practitioner License. Initial three-year (3) teacher license issued to applicants who hold a bachelor's degree, are enrolled in or have completed a preparation program approved by the State Board of Education, and have verified content knowledge as defined in State Board policy. The Practitioner License may be renewed once.
- (b) Professional License. A six-year (6) teacher license issued upon meeting licensure expectations at the practitioner level and completion of an approved educator preparation program. The Professional License is renewable.
- (c) Non-Public School Teacher License. A ten-year (10) license issued to individuals who qualify for or hold a valid Tennessee teaching license, have current certification from the National Board for Professional Teaching Standards, or hold a valid license from another state. The non-public license only provides license for an educator to work in a Tennessee non-public school. The Non-Public School Teacher License is renewable.
- (d) JROTC Teacher License. A five-year (5) license issued to active or retired military personnel who seek to serve as junior reserve officers' training corps (JROTC) teachers, based upon a certification of preparation by the branch of the military approving the teacher placement. The JROTC teacher license does not entitle an individual to teach courses other than those designated as part of the JROTC program, consistent with the requirements of T.C.A. § 49-5-108. No other teaching endorsements may be added to a JROTC license. JROTC teachers may earn a teaching license with an endorsement in a content area through an educator preparation program approved by the State Board of Education. The

JROTC Teacher License is renewable.

- (e) **Adjunct License.** A one-year (1) license issued to applicants who teach no more than three (3) classes in subject areas of critical shortage as designated by the State Board of Education and who hold a bachelor's degree, have verified knowledge of the teaching content area and have completed a pre-service preparation program approved by the State Board of Education. The Adjunct License is renewable nine (9) times.

Adjunct teachers must meet the following criteria:

1. The applicant must hold at least a bachelor's degree or a master's degree from a regionally accredited institution of higher education that includes at least twenty-four (24) semester hours of credit in the content area in which they will be teaching.
  2. The applicant must have at least five (5) years of work experience in the subject(s) to be taught.
  3. The applicant must have completed the pre-service portion of an adjunct licensure program that addresses the knowledge and skills in the professional education core and that has been approved by the State Board of Education.
  4. A Tennessee director of schools must state intent to employ the applicant for specific subject(s) and course(s) not to exceed three (3) classes and must provide a mentor teacher for the applicant during the first year of teaching.
  5. Applicants are eligible for an adjunct license for the specific subject(s) or course(s) indicated on the application in subject areas of critical shortage as designated by the State Board of Education.
  6. School systems shall assess the effectiveness of the teachers annually using the evaluation procedures approved by the State Board of Education.
  7. Applicants may renew an adjunct license annually but not more than nine (9) times provided that a director of schools states intent to employ and provided that the applicant has received a successful evaluation in the preceding year. Before the first renewal, the applicant must have passed all required licensure examinations.
  8. The teacher shall not attain licensure beyond the approved subject(s) or course(s) without successfully completing the state's regular or alternative licensure programs.
- (f) **International Teacher Exchange License.** The international exchange teacher license is a time-limited license designed to allow eligible teachers from other nations to teach in Tennessee schools for up to three (3) consecutive years. The validity period begins on the date all application requirements for the license are met or July 1, whichever is more recent, and expires on June 30, three (3) years later. If the applicant is employed between January 1 and June 30, the validity period begins on the first (1<sup>st</sup>) day of the month of employment and expires June 30, three (3) years later. If the teacher wishes to remain beyond the third (3<sup>rd</sup>) year, the teacher must satisfy all requirements for a professional teacher license. Districts that wish to employ teachers holding this license must adhere to State Board of Education policies regarding mentoring and evaluation of these teachers. The International Teacher Exchange License is nonrenewable.

Teachers participating in an international teacher exchange program must meet the following criteria:

1. Hold primary citizenship outside the United States;
2. Hold the U.S. equivalent of a bachelor's degree or higher;
3. Hold a foreign teacher credential in a field comparable to that recognized in Tennessee;
4. Demonstrate proficiency in English;
5. Provide verification from a Tennessee director of schools of intent to employ; and
6. Provide a recommendation by the government of a country with whom the Department of Education has signed a memorandum of agreement or by a recognized international exchange program.

(3) License Advancement and Renewal.

- (a) Practitioner License. At the end of the validity period of the initial practitioner license, if the educator has not met licensure expectations, the practitioner license may be renewed once. If the educator has not met licensure expectations at the end of the second validity period, the license will become inactive.
- (b) Professional License. At the end of the validity period of the professional license, if the educator has met licensure expectations, the license will be renewed. If the educator has not met licensure expectations, the license will become inactive.

(4) Additional Endorsements.

- (a) Licensed teachers must submit qualifying scores on all required, state-approved teacher licensure specialty assessments for additional endorsements.
- (b) Licensed teachers seeking to add endorsements may complete an educator preparation program. In some cases, as defined in State Board policy, teachers may add an endorsement by using a test-only.
- (c) Licensed teachers who complete programs of study for additional endorsements at education preparation providers in other states may be recommended by the out-of-state provider to the Tennessee Department of Education.

Authority: T.C.A. § 49-1-302.

0520-02-03-.03 Licensure, Instructional Leader.

- (1) General requirements for licensure, as defined in Rule 0520-02-03-.01 General Information and Regulations, apply to all instructional leader licenses.
- (2) Licenses currently issued:
  - (a) Instructional Leadership License-Aspiring (ILL-A). Initial five-year (5) instructional leader license issued candidates who are enrolled in an instructional leader preparation program approved by the State Board. The Instructional Leadership License-Aspiring is not renewable.
  - (b) Instructional Leadership License-Beginning (ILL-B). Initial five-year (5) instructional leader license issued to candidates who have completed an instructional leader preparation

program approved by the State Board and have submitted a qualifying score on the required licensure assessment. The Instructional Leadership License-Beginning is renewable.

- (c) Instructional Leadership License-Professional (ILL-P). Five-year (5) instructional leader license issued to educators who have met licensure expectations for advancement from the ILL-B. The Instructional Leadership License-Professional is renewable.
- (d) Instructional Leadership License-Exemplary (ILL-E). Eight-year (8) instructional leader license issued to educators who have held an ILL-P or Professional Administrator License (PAL) for at least two (2) years and are eligible for the ILL-E as stipulated by State Board policy. The Instructional Leadership License-Exemplary is renewable.

(3) License Advancement and Renewal.

- (a) Instructional Leadership License-Aspiring (ILL-A). At the end of the validity period of the initial ILL-A, if the educator has met licensure expectations, the license will be advanced to the ILL-B. At the end of the validity period of the initial ILL-A, if the educator has not met licensure expectations, the license will become inactive.
- (b) Instructional Leadership License-Aspiring (ILL-B). At the end of the validity period of the ILL-B, if the educator has met licensure expectations as defined in State Board policy, the license will be advanced to the ILL-P. If the educator has not met licensure expectations by the end of the first validity period of the license, the ILL-B may be renewed once. If the educator has not met licensure expectations at the end of the second validity period, the license will become inactive.
- (c) Instructional Leadership License-Professional (ILL-P). At the end of the validity period of the ILL-P, if the educator has met licensure expectations as defined in State Board policy, the license will be renewed. If the educator has not met licensure expectations, the license will become inactive.
- (d) Instructional Leadership License-Professional (ILL-E). At the end of the validity period of the ILL-E, if the educator has met licensure expectations as defined in State Board policy, the license will be renewed. If the educator has not met licensure expectations, the license will become inactive.

(4) Those who hold a Professional Administrator License (PAL) license issued prior to September 15, 2009, may maintain that license until July 1, 2022, at which time the ILL-P or ILL-E license will be required.

(5) Assistant principals, teaching principals, or dual assignment personnel with more than fifty percent (50%) of their responsibilities involved in instructional leadership must be properly licensed.

Authority: T.C.A. § 49-1-302.

0520-02-03-.04 School Service Personnel Licenses.

- (1) General requirements for licensure, as defined in Rule 0520-02-03-.01 General Information and Regulations, apply to all school service personnel licenses.
- (2) Licenses Currently Issued.
  - (a) Practitioner School Service Personnel License. Initial three-year (3) license issued to applicants upon completion of a preparation program approved by the State Board of

Education, leading to endorsement as a school counselor, school psychologist, school social worker, educational interpreter, school food service supervisor, school speech-language pathologist, or school audiologist. Applicants must have also submitted qualifying scores on the state required licensure assessment. The Practitioner School Service Personnel License is renewable once.

- (b) Professional School Service Personnel License. A six-year (6) license issued to applicants upon meeting licensure expectations at the practitioner level, as a school counselor, school psychologist, school social worker, educational interpreter, school food service supervisor, school speech-language pathologist, or school audiologist. The Professional School Service Personnel License is renewable.

(3) License Advancement and Renewal.

- (a) Practitioner School Service Personnel License. At the end of the validity period of the initial practitioner license, if the educator has not met licensure expectations, the practitioner license may be renewed once. If the educator has not met licensure expectations at the end of the second validity period, the license will become inactive.
- (b) Professional School Service Personnel License. At the end of the validity period of the professional license, if the educator has met licensure expectations, the license will be renewed. If the educator has not met licensure expectations, the license will become inactive.

Authority: T.C.A. § 49-1-302.

0520-02-03-.05 Occupational Education Licenses.

- (1) General requirements for licensure, as defined in Rule 0520-02-03-.01 General Information and Regulations, apply to all occupational education licenses, except for the requirement of a bachelor's degree.

(2) Licenses Currently Issued.

- (a) Practitioner Occupational Education License. Initial three-year (3) license issued to applicants who have met endorsement requirements pursuant to State Board of Education policy and have had content verification provided by the Tennessee Department of Education. The Practitioner Occupational Education License is renewable once.
- (b) Professional Occupational Education License. A six-year (6) license issued to applicants upon meeting licensure expectations at the practitioner level, completing coursework covering the professional education standards and additional requirements as defined in State Board of Education policy. The Professional Occupational Education License is renewable.

(3) License Advancement and Renewal.

- (a) Practitioner Occupational Education License. At the end of the validity period of the initial practitioner license, if the educator has not met licensure expectations, the practitioner license may be renewed once. If the educator has not met licensure expectations at the end of the second validity period, the license will become inactive.
- (b) Professional Occupational Education License. At the end of the validity period of the professional license, if the educator has met licensure expectations, the license will be renewed. If the educator has not met licensure expectations, the license will become inactive.

Authority: T.C.A. § 49-1-302.

0520-02-03-.06 Out of State Applicants.

(1) General Requirements.

- (a) Tennessee has adopted the provisions of Interstate Agreement on Qualification of Educational Personnel as proposed by the National Association of State Directors of Teacher Education and Certification (NASDTEC). Participation in this agreement is evidenced by signed reciprocal contracts between Tennessee and other participating states as defined by the Interstate Certification Project (ICP).
- (b) Licensure may be awarded to applicants from states which are not parties to the ICP but which are accredited by or affiliated with the national accrediting body with which the State of Tennessee has entered into an agreement on the same basis as those applying from states which are party to the ICP agreement.
- (c) Licensure may be awarded to applicants not covered by Paragraphs (a) or (b) above on the same basis as those applying from states which are party to the ICP agreement if one of the following conditions is met:
  - 1. The applicant has received a recommendation from an educator preparation provider which is accredited by the same national accrediting body with which the State of Tennessee has entered into an agreement; or
  - 2. The Tennessee Department of Education has reviewed a state's process for approving educator preparation providers and has found the process to be acceptable for purposes of granting full licensure in Tennessee.
- (d) An applicant from a state other than Tennessee must apply directly to the Office of Educator Licensing.
- (e) The application for licensure must be accompanied by a set of official transcripts supplied by all institutions attended by the applicant.
- (f) An applicant from another state must submit qualifying scores for assessments required by the State Board of Education. Scores must have been obtained within five (5) years prior to the date of application for licensure.
- (g) No license or endorsement which requires a Master's Degree or above as part of its requirements may be awarded to an individual not possessing said degree.

(2) Teacher Licensure for Applicants Trained in Other States.

- (a) Applicants meeting all requirements will be issued a practitioner license except those who have been certified by the National Board for Professional Teaching Standards who will be issued a professional license.
- (b) Licensure will be awarded in all endorsement areas (the areas most similar to those awarded in Tennessee), which are reflected on the full, currently valid licensure credential(s) supplied by the other qualifying state(s) and the area most closely related to the area of certification by the National Board for Professional Teaching Standards.
- (c) Applicants with an out-of-state endorsement in a teaching area covering a grade span that is

more narrow than the comparable Tennessee K-12 teaching endorsement, shall be awarded the Tennessee endorsement based on parameters defined by State Board policy.

(3) Instructional Leader Licensure for Applicants Trained in Other States.

- (a) Applicants who have completed an instructional leader preparation program approved in a state other than Tennessee who have not yet submitted qualifying scores on the required licensure assessment may be issued an ILL-A. Upon submitting qualifying scores, the educator license may be advanced to the ILL-B.
- (b) Applicants meeting all requirements will be issued an ILL-B.

(4) School Service Personnel Licensure for Applicants Trained in Other States.

- (a) Applicants meeting all requirements will be issued a Practitioner License.
- (b) The Practitioner School Services Personnel License will be awarded to applicants who hold a full and valid school service personnel license from another state.

Authority: T.C.A. § 49-1-302.

0520-02-03-.07 Other Special Cases.

- (1) Correspondence and Extension Credit. Credit earned by correspondence and extension instruction with a member of the National University Extension Association or the Teacher College Association for Extension and Field Services shall be accepted for licensure purposes to the extent of one-fourth of the amount of credit necessary for the particular license desired.
- (2) Experience in Lieu of Student Teaching. An individual applying for a license who holds at least a bachelor's degree may present evidence of three (3) years of successful teaching experience in an approved school or a National Association for the Education of Young Children (NAEYC) accredited early childhood education program at the grade level of work authorized by the endorsement sought in lieu of student teaching.
- (3) Military Service.
  - (a) The duration of a license may be extended from the date of termination of military service for the number of years, not to exceed four (4), which the holder spent in military service during the life of the license. Four (4) calendar months of military service during any school year shall be counted as a full year for purposes of extending the license.
  - (b) The five (5) years preceding the issuance of a teacher license, within which time academic credit must be earned, shall not include the years spent in military service.
- (4) Validation of Credit from an Unapproved Institution.
  - (a) Credit from an unapproved institution may be accepted for licensure when such credit has been accepted in full on a transcript by an approved institution for advanced standing toward a degree, provided that not less than eight (8) semester hours of satisfactory work has been completed in the approved institution.
  - (b) Degree or credit from an institution accredited by a regional accrediting association but not approved for teacher education will be accepted.

- (c) An applicant who holds the bachelor's degree from an unapproved institution and has otherwise met all of the requirements for a license may validate the degree and apply for a license as follows:
  - 1. Enter an approved graduate school and complete a minimum of eight (8) semester hours in an approved educator preparation program. The applicant must successfully complete the approved educator preparation program in order to advance to a Professional License.
  - 2. Secure a properly certified statement from an educator preparation program approved by the State Board of Education indicating all deficiencies and/or probations have been met.
- (5) Emergency Teaching Credential. A one-year (1) credential, effective for only one school year, to be issued to displaced licensed teachers under one of the following circumstances:
  - (a) The Governor declares a state of emergency or declares a disaster under T.C.A. § 58-2-107, and the Commissioner of Education determines the necessity of conferring an emergency credential to displaced persons, or
  - (b) A federal state of emergency is declared anywhere in the United States, and the Commissioner of Education determines the necessity of conferring an emergency credential to displaced persons.

Authority: T.C.A. § 49-1-302.

0520-02-03-.08 Permits.

(1) Permits.

- (a) The state may issue a permit when a school district or public charter school meets the following requirements:
  - 1. A director of schools or public charter school leader must state intent to employ and indicate the position to be held by the applicant.
  - 2. The school district or public charter school must indicate that it is unable to obtain the services of a licensed educator for the type and kind of school in which a vacancy exists.
  - 3. The school district or public charter school must identify and document a targeted recruitment strategy for the position or shortage areas. The strategy may include, but is not limited to, partnerships with educator preparation providers, advertisements, or recruitment campaigns.
- (b) The state may issue a permit to a school district or public charter school to hire an applicant one (1) time and only if the applicant holds a bachelor's degree. A bachelor's degree is not required for an applicant in occupational education.

Authority: T.C.A. § 49-1-302.

0520-02-03-.09 Denial, Formal Reprimand, Suspension and Revocation.

- (1) **Automatic Revocation of License.** The State Board of Education shall automatically revoke the license of a licensed teacher or administrator without the right to a hearing upon receiving verification of the identity of the teacher or administrator together with a certified copy of a criminal record showing that the teacher or school administrator has been convicted of any felony or offense listed at T.C.A. §§ 40-35-501(i)(2), 39-17-417, a sexual offense or a violent sexual offense as defined in 40-39-202, any offense in title 39, chapter 13, 39-14-301 and 39-14-302, 39-14-401 and 39-14-404, 39-15-401 and 39-15-402, 39-17-1320, or any other offense in title 39, chapter 17, part 13 (including conviction on a plea of guilty or nolo contendere, conviction for the same or similar offense in any jurisdiction, or conviction for the solicitation of, attempt to commit, conspiracy, or acting as an accessory to such offenses). The Board will notify persons whose licenses are subject to automatic revocation at least thirty (30) days prior to the Board meeting at which such revocation shall occur.
  
- (2) The State Board of Education may revoke, suspend, reprimand formally, or refuse to issue or renew a license for the following reasons:
  - (a) Conviction of a felony;
  - (b) Conviction of possession of narcotics;
  - (c) Being on school premises or at a school-related activity involving students while documented as being under the influence of, possessing or consuming alcohol or illegal drugs;
  - (d) Falsification or alteration of a license or documentation required for licensure;
  - (e) Denial, suspension or revocation of a license or certificate in another jurisdiction for reasons which would justify denial, suspension or revocation under this rule; or
  - (f) Other good cause. Other good cause shall be construed to include noncompliance with security guidelines for Tennessee Comprehensive Assessment Program (TCAP) or successor tests pursuant to T.C.A. § 49-1-607, default on a student loan pursuant to T.C.A. § 49-5-108(d)(2) or failure to report under part (e).

For purposes of this part (2), "conviction" includes entry of a plea of guilty or nolo contendere or entry of an order granting pre-trial or judicial diversion.

A person whose license has been denied, suspended or revoked may not serve as a volunteer or be employed, directly or indirectly, as an educator, paraprofessional, aide, substitute teacher or in any other position during the period of the denial, suspension or revocation.

- (3) **Restoration of License.**
  - (a) A person whose license has been suspended shall have the license restored after the period of suspension has been completed, and, where applicable, the person has complied with any terms prescribed by the State Board. Suspended licenses are subject to expiration and renewal rules of the State Board.
  - (b) A person whose license has been denied or revoked under parts (1) or (2) may apply to the State Board to have the license issued or restored upon application showing that the cause for denial or revocation no longer exists and that the person has complied with any terms imposed in the order of denial or revocation. In the case of a felony conviction, before an application will be considered, the person must also show that any sentence imposed, including any pre-trial diversion or probationary period has been completed. Application for such issuance or restoration shall be made to the Office of Educator Licensing and shall be

voted on at a regularly scheduled meeting of the State Board of Education. Nothing in this section is intended to guarantee restoration of a license.

- (4) Notice of Hearing. Any person who is formally reprimanded or whose license is to be denied, suspended or revoked under part (2) or who is refused a license or certificate under part (3) shall be entitled to written notice and an opportunity for a hearing to be conducted as a contested case under the Tennessee Uniform Administrative Procedures Act, T.C.A. § 4-5-301, et seq.
  
- (5) Notification of Office of Educator Licensing. It is the responsibility of the superintendent of the employing public or non-public school or school system to inform the Office of Educator Licensing of licensed teachers or administrators who have been suspended or dismissed, or who have resigned, following allegations of conduct which, if substantiated, would warrant consideration for license suspension or revocation under parts (1) or (2). The report shall be submitted within thirty (30) days of the suspension, dismissal or resignation. The superintendent shall also report felony convictions of licensed teachers or administrators within thirty (30) days of receiving knowledge of the conviction.

Authority: T.C.A. § 49-1-302.