

FAQs about the Censure Option

TN State Board of Education

What is a censure?

A censure is a less harsh licensing action than the suspension, revocation, or denial of a license. A teacher who has been censured will receive a letter from the State Board of Education indicating that the conduct is discouraged.

Will a teacher who receives a censure from the State Board of Education be fired?

The censure is NOT about employment decisions, which are made at the local level. It simply is a tool for a less punitive licensing action. The State Board of Education does not have the ability to hire or fire teachers.

If it is proposed for a teacher to receive a censure, can the teacher appeal?

Yes. The same due process rights afforded to a person whose license is proposed to be suspended, revoked, or denied are afforded to the censure. See SBE Rule 0520-2-4-.01(9)(d)

What actions would call for a censure?

Take TCAP for instance. State law says that a TCAP breach results in a licensing action. If a teacher, while administering the test, opened the test booklet, looked at the questions, and did nothing with the questions, according to testing procedures this would constitute a breach. By law, the State Board of Education would have to take one of the licensing actions available. This would be best suited for a censure because the State Board would be able to censure the teacher for failing to adhere to testing procedures, but the teacher would still be able to keep his/her license. Currently, this same teacher may lose his/her license for a period of time because the rules do not allow for any consequence less than a suspension of the license.

Take as another example: an individual who applies for a TN teaching license who had a minor criminal conviction 30 years ago. This conviction would likely not stop them from getting a license. However, the person failed to check the box indicating a conviction, which was uncovered by a background check. And of course, by rule, she is subject to licensing action. In this case the action would be denial, simply for failing to report an incident that occurred 30 years ago. This would be best suited for a censure. Applicants should be completely forthcoming about their criminal past, but in this case, it should not preclude someone from obtaining a license to teach.

In these scenarios, a censure option would be a more appropriate licensing action.

What kind of conduct will not be affected by the censure?

A teacher will not be censured for political/religious affiliation, having a tattoo, getting a traffic ticket, living with someone to whom they're not married, poor classroom management, sexual orientation, etc.

The State Board would not even know about these issues. The State Board only knows what is reported by a Director of Schools. Directors of Schools only report on the suspension, termination, or resignation of an employee caused by misconduct. Offenses such as those listed are not reported. Even if a Director did report such an offense, the review committee would not recommend censuring a teacher for the offense. And even if the review committee did, the teacher would have a right to a hearing and no judge would likely rule in favor of the censure. There are so many triggers in due process that prevent a teacher from being censured for a trivial offense.

What is the process for licensing action?

Pursuant to SBE Rule, Directors of Schools are obligated to report adverse employment actions to the Office of Teacher Licensing. This means when a teacher is suspended, resigns, or is terminated due to misconduct, the Director will report it. Once the report is received, it is sent to the General Counsel for the State Board of Education. A staff review committee is convened to discuss the offense and make a recommendation for action. Once the committee makes the recommendation, a letter is sent to the license holder explaining the proposed action and explaining that they have a right to a hearing. If they request a hearing, an Administrative Law Judge sitting on behalf of the Board hears the case and renders a judgment. If the license holder does not request a hearing, the Board makes the decision to approve or deny the proposed licensing action. See SBE Policy 5.501

How long does a censure stay on a teacher's "record"?

Once something is reported to the Office of Teacher Licensing, a flag is put on the license immediately until the case is resolved. In the case of a censure, once the censure is issued, the flag will go away. The censure will also be reported to the National Association of State Directors of Teacher Education and Certification, but it will show that it is a censure only.

For more information, please visit http://tn.gov/sbe/licensure_actions.htm