

<b>TENNESSEE STATE BOARD OF EDUCATION</b>	
<b>LICENSE REINSTATEMENT AND LICENSE RESTORATION APPLICATIONS</b>	<b>5.500</b>

**POLICY SECTIONS**

- 1. Reinstatement after Suspension of License**
- 2. Restoration after Revocation of License**
- 3. Considerations for Restoring a Revoked License**

**1. Reinstatement after Suspension of License:**

- a. An individual whose license has been suspended pursuant to Board Rule 0520-02-03-.09 shall have the license reinstated after the period of suspension has been completed and, where applicable, the individual has complied with any terms prescribed by the Board.
  - i. Proof of such compliance shall be provided to Board counsel prior to reinstatement.
- b. Suspended licenses are subject to the expiration and renewal rules of the Board.
- c. A suspended license may not be reinstated if an action, such as a suspension or revocation, has been taken or is pending against the individual’s educator license in another state.

**2. Restoration after Revocation of License:**

- a. Board Rule 0520-02-03-.09(6)(b) allows an individual whose educator license was revoked under paragraphs (3), (4), or (5) of that Rule, except those individuals whose licenses have been permanently revoked, to apply to the State Board to have the license restored. The individual shall show that the cause for revocation no longer exists and that the individual has complied with any terms imposed in the order of revocation. 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 may be denied if an action against the individual’s educator license has been taken or is pending in another state.
- b. Restoration of a revoked license is considered on a case-by-case basis. The burden of proof rests with the individual applying for the license. To show that the cause no longer exists, the individual must show why the license should be restored despite the misconduct that led to 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.
- c. When Board counsel receives an application for restoration, the Board staff case review committee reviews the application and the file to make a recommendation regarding whether restoration should be granted or if additional investigation is necessary. This

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committee consists of the Executive Director of the State Board or his/her designee, counsel for the Board, and at least one (1) other staff member.

- i. An individual may submit to Board counsel a personal statement and any other mitigating information that he or she would like the case review committee to consider in making its recommendation. This information will also be provided to Board members for their consideration when voting on a proposed grant or denial of the restoration application.
  
- ii. If the case review committee decides not to recommend restoration of the license, Board counsel will notify the individual via certified return receipt mail of the committee’s proposed recommendation and the individual’s right to request a hearing within thirty (30) days of receipt of the letter.
  - 1. If the individual does not request a hearing within thirty (30) days of receipt of the letter, Board counsel will institute a contested case proceeding against the individual before an Administrative Law Judge (“ALJ”), sitting alone on behalf of the Board, pursuant to the Uniform Administrative Procedures Act (“UAPA”).
  
  - 2. If the individual requests a hearing within thirty (30) days of receipt of the letter, then Board counsel will schedule a hearing to be held as a contested case proceeding with an ALJ sitting alone on behalf of the Board pursuant to the UAPA.
    - a. If the ALJ, sitting on behalf of the Board, finds that restoration of a revoked license is proper, Board counsel will direct the OELP to restore the license. The Board may, however, appeal the ALJ’s decision at its discretion to the Board, seek reconsideration from the ALJ, or file an appeal in Chancery Court, pursuant to the UAPA.
  
    - b. If the ALJ finds that restoration of a revoked license is not proper, the individual may also appeal the order of the ALJ to the Board or to Chancery Court in Davidson County, Tennessee, pursuant to the UAPA, or seek reconsideration from the ALJ.
  
- iii. If the case review committee decides to recommend restoration of the license, Board counsel will notify the individual that his or her application for restoration will be presented to the Board at its next quarterly meeting. The Board is not bound by the recommendation of Board counsel and may vote to remove the item from the agenda for reconsideration of a harsher action. A vote to remove

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the item from the agenda for reconsideration of a harsher action will result in the individual receiving additional notice regarding his or her right to a hearing.

**4. Considerations for Restoring a Revoked License**

- a. The case review committee and/or the Board may consider (but is not limited to) the following in reviewing restoration applications:
  - i. Likelihood of present harm or potential for continuing harm to students, parents of students, or school personnel.
  - ii. Details of the offense(s) which led to the disciplinary action:
    - 1. Terms of any sentence imposed, including probation, community service, etc.;
    - 2. Age of the individual at the time of arrest;
    - 3. The relationship between the offense and the duties and responsibilities of the education profession; and
    - 4. Likelihood of recurrence (as shown, for example, by lack of remorse or lack of rehabilitative motivation or potential).
  - iii. Attempted concealment of misconduct, including failure to report any criminal charges on an initial license application.
  - iv. Prior misconduct of a similar or related nature (including prior criminal history).
  - v. Compliance with any terms imposed in a voluntary withdrawal of a license application, voluntary surrender of a license, or suspension.
  - vi. Rulings on restoration applications under similar circumstances.
  - vii. Evidence of rehabilitation relevant to the conduct that resulted in disciplinary action, such as:
    - 1. Completion of any sentence imposed, including probation;
    - 2. Participation in counseling, self-help support groups, and/or community service;
    - 3. Gainful employment subsequent to the conduct; and

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4. Family and community support (shown, for example, through affidavits or letters of character from leaders of community organizations, religious groups, volunteer activities, or other relevant organizations).
- viii. Fitness for practice as an educator:
  1. Continuing education since the discipline was imposed;
  2. Offers of employment for educational positions; and
  3. Letters of recommendation for educational positions.
- ix. Any other relevant factors.
- b. To assist in deliberations, Board staff shall maintain a list of all restoration requests, along with the following information:
  - i. Grounds for disciplinary action;
  - ii. Time elapsed since denial or revocation;
  - iii. Supporting material provided by applicant; and
  - iv. Whether the application was granted or denied.