

Educator Licensure Rules
Denial, Formal Reprimand, Suspension, and Revocation Rule 0520-02-03-.09
Permits Rule 0520-02-03-.12

The Background:

State Board Rule 0520-02-03-.09 governs the denial, formal reprimand, suspension, and revocation of a Tennessee educator license. Additionally, State Board Rule 0520-02-03-.12 governs the issuance of temporary permits to unlicensed individuals under certain limited circumstances.

This item contains revisions to the licensure discipline rule to comply with statutory changes from the most recent legislative session. Specifically, the rule updates the section on automatic revocation of licenses to align with Public Chapter 629 of 2020. Additionally, this rule change incorporates new legislation passed by the General Assembly allowing for the State Board to request the assessment of costs to educators where license action is ordered by an Administrative Law Judge as a result of a contested case proceeding.

This item also addresses revisions to the rule regarding temporary permits to teach. T.C.A. § 49-5-106 provides that the Commissioner of Education may issue a temporary permit to teach to an unlicensed individual under conditions specified by the State Board and outlined in the law. The law requires a certification by the Director of Schools and the chair of the local board of education that the school system is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists. These revisions to sections .09 and .12 of the educator licensure rules provide that Directors of Schools may report misconduct of those individuals teaching on a permit to the State Board as done with licensed educators. Additionally, the rule outlines the State Board's review process for reports received on individuals teaching on a permit, as well the review process when an individual indicates an affirmative answer to one of the personal affirmation questions on the permit application.

Since first reading, a rulemaking hearing was held on September 4, 2020 to collect stakeholder feedback on this rule. No comments were received. Additional changes have been made to terminology regarding licensure reviews and additional clarification has been added that an educator whose license is under review continues to have an active license and that such educators must maintain requirements for renewal or advancement of the license during the period of review. Additional technical edits were also made since first reading.

The Recommendation:

The SBE staff recommends approval of this item on final reading.