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

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**The Background:**

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 create a new category of offenses that are subject to disciplinary action to include misdemeanor convictions where the victim is a minor or a student. The addition of such convictions helps to prevent individuals from avoiding licensure action by pleading guilty to a lesser charge and includes situations where the victim is a student or a minor. Additionally, revisions were made to create a process for the Board to take licensure action when educators agree to surrender their license as part of a plea agreement, court order, or settlement in a legal action.

Additional changes were made throughout the rule for clarity and consistency. These changes include:

- Clarifying that improper restraint or isolation of a student with a disability is included in the definition of “inappropriate physical contact.”
- Clarifying that test security breaches include breach of test security for all state-mandated tests, in addition to TCAP.
- Clarifying that educators are subject to automatic permanent revocation if their criminal conviction includes a judicial diversion plea to an offense that is not eligible for expungement.
- Clarifying that educators whose licenses are automatically suspended because of a default on a student loan or failure to pay court ordered child support or alimony receive due process from the responsible state agency (e.g. Tennessee Department of Human Services or Tennessee Student Assistance Corporation) prior to being referred to the State Board for license suspension.
- Clarifying that reinstatement of a suspended license is subject to terms and conditions set by the State Board.
- Clarifying the State Board’s discretion to impose revocation periods for less than five (5) years in certain circumstances.
- Clarifying that individuals who have been denied licensure are not subject to further restrictions regarding volunteering in schools.
- Clarifying that State Board notices are sent to the educator’s address listed in TN Compass.
- Updates to statutory citations and terminology.

One substantive edit was made between first and final reading to include students as possible victims of misdemeanor offenses, in addition to minors. Other non-substantive edits were made for clarity.

A rulemaking hearing was held on July 6, 2022. No public comments were submitted regarding this rule.

**The Recommendation:**

The State Board staff recommends approval of this item on final reading.