

TENNESSEE STATE BOARD OF EDUCATION

LICENSE REINSTATEMENT AND RESTORATION APPLICATIONS

5.500

POLICY SECTIONS

- I. Reinstatement after Suspension of License
- II. Restoration after Revocation of License
- III. Considerations for Restoring a Revoked License

I. Reinstatement after Suspension of License

- (1) 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 in the order approved by the Board.
 - (a) Proof of such compliance shall be provided to Board counsel.
- (2) Suspended licenses are subject to the expiration and renewal rules of the Board. Educators are responsible for completing all requirements for renewal or advancement of the license during the period of suspension.
- (3) A suspended license may not be reinstated if an action, such as a suspension or revocation, has been taken or is pending against the educator's license in another state.

II. Restoration after Revocation of License:

- (1) State Board Rule 0520-02-03-.09 allows an individual whose educator license was revoked under paragraphs (3), (4), or (5) of that Rule, except those individuals whose licenses have been permanently revoked or whose licenses have expired, to apply to the State Board to have the license restored. An individual shall not submit a restoration application prior to the expiration of the time period outlined in the revocation order.¹ Individuals applying for restoration shall submit the restoration application contained in Appendix A to this policy. Before the application is considered, the applicant must show that the cause for revocation no longer exists and that the person has complied with any terms imposed in the order of revocation. Additionally, in the case of a conviction, the applicant shall also show that any sentence imposed, including any pre-trial diversion or probationary period, has been completed. Applications also may not be considered if an action against the applicant's educator license has been taken or is pending in another state.
- (2) Restoration of a revoked license is considered on a case-by-case basis. The burden of proof rests with the applicant. To show that the cause no longer exists, the applicant must show why the license should be restored despite the misconduct that led to the

¹ One exception to this requirement is that restoration applications may be submitted during the required period of revocation if the revocation was based solely on a conviction under pre-trial diversion under T.C.A. 40-35-313 (or similar statutes) and the educator submits proof of expungement.

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applicant's license being revoked. The applicant shall provide evidence of rehabilitation and fitness to perform the duties authorized and required by the license sought.

- (3) 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 committee consists of the Executive Director of the State Board or his/her designee, Board counsel, and at least one (1) other staff member.
- (a) The applicant 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 licensure action.
- (b) If the case review committee decides not to recommend restoration of the license, Board counsel will send notice to the applicant via certified return receipt mail of the committee's proposed recommendation and the applicant's right to request a hearing within forty-five (45) days of receipt of the letter.
1. If the applicant does not request a hearing within forty-five (45) days of receipt of the letter, Board counsel will institute a contested case proceeding against the applicant before an Administrative Law Judge ("ALJ"), sitting alone on behalf of the Board, pursuant to the Uniform Administrative Procedures Act ("UAPA").
 2. If the applicant requests a hearing within forty-five (45) 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.
 - (i) If the ALJ, sitting on behalf of the Board, finds that restoration of a revoked license is proper, Board counsel will direct the Tennessee Department of Education's Office of Educator Licensure and Preparation ("OELP") to restore the license. Board counsel 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.
 - (ii) If the ALJ finds that restoration of a revoked license is not proper, the applicant may also appeal the order of the ALJ to the Board or to Chancery Court, pursuant to the UAPA, or seek reconsideration from the ALJ.

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- (c) If the case review committee decides to recommend restoration of the license, Board counsel will send notice to the applicant that his or her application for restoration will be presented to the Board at its next quarterly meeting. Board counsel will present the recommendation to restore the revoked license 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 disciplinary action. A vote to remove the item from the agenda for reconsideration of a harsher disciplinary action will result in the Board Staff sending additional notice regarding the educator's right to a hearing.

- (4) An individual whose license expired during the period of revocation and whose license was not permanently revoked may submit a reactivation application in TN Compass. The individual shall submit a reactivation application instead of submitting a restoration application to the Board. An individual shall not submit a reactivation application prior to the expiration of the time period outlined in the revocation order.² The reactivation application and review process is outlined in State Board policy 5.501 License Denial, Formal Reprimand, Suspension, and Revocation.
 - (a) Upon receipt of the reactivation application, OELP will determine whether the individual meets the technical requirements for licensure reactivation.
 - (b) If OELP determines the individual meets the technical requirements for licensure reactivation, OELP will notify State Board counsel who will prepare a recommendation and submit the reactivation application for review by the case review committee.

III. Considerations for Restoring a Revoked License

- (1) The case review committee and/or the Board may consider (but is not limited to) the following in reviewing restoration applications and applications to reactivate an expired revoked license:
 - (a) Likelihood of present harm or potential for continuing harm to students, parents of students or school personnel.
 - (b) Details of the offense(s) which led to the disciplinary action:
 - 1. Terms of any sentence imposed, including probation, community service, etc.;

² One exception to this requirement is that reactivation applications may be submitted during the required period of revocation if the revocation was based solely on a conviction under pre-trial diversion under T.C.A. 40-35-313 (or similar statutes) and the educator submits proof of expungement, -

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2. Amount of time that has passed since the 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 or rehabilitative motivation or potential).
- (c) Attempted concealment of misconduct, including failure to report any criminal charges on an initial license application.
- (d) Prior misconduct of a similar or related nature (including prior criminal history).
- (e) Compliance with any terms imposed in a voluntary withdrawal of a license application, voluntary surrender of a license or suspension.
- (f) Rulings on restoration applications under similar circumstances. To assist in deliberations, Board staff shall maintain a list of all restoration requests, along with the following information:
1. Grounds for disciplinary action;
 2. Time elapsed since denial or revocation;
 3. Supporting material provided by applicant; and
 4. Whether the application was granted or denied.
- (g) 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, community service;
 3. Gainful employment subsequent to the conduct; and
 4. Family and community support (shown, for example, through affidavits or letters of character from leaders of community or religious organizations).
- (h) Fitness for practice as an educator:
1. Continuing education since the discipline was imposed;

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2. Offers of employment for educational positions; and
 3. Letters of recommendation for educational positions.
- (i) Any other relevant factors.

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APPENDIX A

LICENSE RESTORATION APPLICATION