
Educator Licensure Rule 0520-02-03-.09

The Background:

Pursuant to Tenn. Code Ann. § 49-1-302, the State Board of Education (State Board) has the duty and power to adopt policies governing the qualifications, requirements, and standards of the licenses and certificates for all public school teachers, principals, assistant principals, supervisors and directors of schools. Pursuant to that code section, the State Board has promulgated an Educator Licensure rule, which includes provisions for formal reprimand of educators as well as the denial, suspension, and revocation of educator licenses for certain instances of misconduct.

This item repeals the prior Educator Licensure rule 0520-02-03-.09 and replaces it with a rule with a clearly defined discipline schedule that imposes a specified range of discipline for the enumerated offenses. By doing so, both the State Board and those persons holding educator licenses will have a clear understanding and expectation of the discipline imposed for education indiscretions.

At the April 2016 State Board meeting, Chairman Fielding Rolston appointed a subcommittee of three board members to make further revisions to the rule. The subcommittee met on two occasions to consider revision to the rule and made the following changes after first reading:

Page 1: Added definitions and examples

Page 2: Moved the district notification requirement to the beginning of the rule for prominence

Page 3: Made the ranges of punishment inclusive of the higher end by adding “up to and including”
Established differentiated discipline ranges for “major testing breaches” and “minor testing breaches”

Page 4: Made the ranges of punishment inclusive of the higher end by adding “up to and including”
Moved the section that allows educators to act within the scope of T.C.A. § 49-6-4107 so that it applies to more than just negligence
Added section 9, which allows the Board to depart from the presumptive discipline ranges upon good cause shown in extraordinary circumstances

Page 5: Added language to correct the license restoration process

Page 6: Added a permanent revocation category that applies to certain egregious offenses
Added presumptive denial for applicants who have committed offenses that would subject them to revocation if they had a license at the time they committed the prior offense

Page 7: Moved the discipline schedule so that it could exist on one page instead of carrying over to the next page

The Recommendation:

The SBE Staff recommends adoption of this item on final reading.