
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 revisions to the rule. These changes were approved by the board on final reading at the October 2016 Board meeting. A proposed rule was filed with the Secretary of State; however, prior to the effective date, a rulemaking hearing was requested, thereby converting the Proposed Rule to a Rulemaking Hearing rule and restarting the promulgation process. To ensure that Board is able to take licensure actions to protect the health, safety, and welfare of students, the Board approved the rule at its July 2017 meeting as an emergency rule and on first reading as a permanent rulemaking hearing rule.

A rulemaking hearing was held on September 19, 2017 at which public comment was received. The following changes were made to the rule based on feedback received between first and final reading:

- Page 1:** Definition of conviction changed to adopt definition contained in T.C.A. 40-39-202
- Page 1:** Definition of inappropriate communication was clarified to exclude discussions for educational purposes
- Page 2:** Clarifying language was added to (d), (e), and (k)
- Page 3:** Automatic Suspensions and Revocation for those offenses that preclude educators from working in schools and that are required by law were merged in their own section
- Page 4:** Includes findings of Child Abuse by DCS as grounds for automatic revocation
- Page 4:** Adds language that the Board will notify those subject to automatic suspension at least 30 days prior to suspension
- Page 4:** Clarifies that educators will be subject to discipline for the consumption of alcohol and the use of illicit drugs
- Page 6:** Removes inappropriate disciplinary procedures as it is covered by inappropriate physical contact and/or violation of teacher code of ethics
- Page 9:** Updates discipline schedule

The Recommendation:

SBE staff recommends adoption of this item on final reading.