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Sequence Number: 11-13-23
Rule ID(s): 9959
File Date: 11/21/2023
Effective Date: 2/19/2024

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission: State Board of Education
Division: N/A
Contact Person: Angie Sanders
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Phone: 615-253-5707
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Revision Type (check all that apply):

☒ Amendment ☒ Content based on previous emergency rule filed on 6/28/23
☐ New ☐ Content is identical to the emergency rule
☐ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0520-02-03	Educator Licensure
Rule Number	Rule Title
0520-02-03-.11	Endorsements
0520-02-03-.12	Permits

AMENDMENT

AMEND the rules of the State Board of Education Chapter 0520-02-03 sections -.11 titled Endorsements and -.12 titled Permits, so that as amended, the revised rule sections -.11 and -.12 shall read:

RULES OF THE STATE BOARD OF EDUCATION

CHAPTER 0520-02-03 EDUCATOR LICENSURE

0520-02-03-.11 ENDORSEMENTS.

- (1) All educators shall hold a full and valid Tennessee educator license with an endorsement covering the work assignment as provided in T.C.A. Title 49, Chapter 5.
- (2) Prospective educators seeking initial licensure shall meet requirements in at least one (1) area of endorsement.
- (3) In accordance with T.C.A. § 49-5-5619, beginning August 1, 2023, educators seeking to obtain or maintain endorsements identified in the Educator Licensure Policy 5.502 as requiring passage of a foundational literacy skills assessment or completion of an approved foundational literacy skills professional development course, must submit required documentation demonstrating completion of the foundational literacy skills assessment or foundational literacy skills professional development course as set forth below. If an educator chooses to complete the foundational literacy skills professional development course, evidence of completion of the course shall be submitted to the Department within the twelve (12) months preceding the applicable licensure transaction.
 - (a) Educators seeking licensure and endorsement in an applicable area as identified in Policy 5.502 must demonstrate meeting this requirement at the time of licensure issuance, except for candidates enrolled in an educator preparation program with a job-embedded clinical practice.
 - (b) Educators who hold a license and endorsement(s) in an applicable area as identified in Policy 5.502 while enrolled in a program with a job-embedded clinical practice and all other educators seeking to renew or advance a teacher or instructional leader license with an endorsement in an applicable area as identified in Policy 5.502 must complete this requirement to renew or advance the license.
 - (c) Educators seeking to add an endorsement in an applicable area as identified in Policy 5.502 to a teaching license must demonstrate completion of this requirement prior to the endorsement being added to the license.
 - (d) Educators who hold multiple endorsements on a license, at least one (1) of which is not impacted by T.C.A. § 49-5-5619, may maintain licensure and any endorsements not identified in Policy 5.502, without demonstrating completion of this requirement; however, any applicable endorsement(s) identified in Policy 5.502 will become inactive at

the time of renewal or advancement of the license unless the educator demonstrates completion of this requirement.

- (e) Educators who only hold a license with applicable endorsement(s) as identified in Policy 5.502 and who do not complete this requirement will not be able to renew or advance the license and it will become inactive.
 - (f) Educators whose license becomes inactive as provided for in subparagraph (e) may reactivate a license and/or applicable endorsement(s) identified in Policy 5.502 held on a license by demonstrating completion of the required foundational skills literacy assessment or approved professional development course required by T.C.A. § 49-5-5619.
 - (g) Once an educator has demonstrated completion of the requirement to pass the foundational literacy skills assessment or complete an approved foundational literacy skills professional development course as provided in subparagraphs (a) through (f), the educator will not have to re-take the course or the assessment to maintain licensure.
- (4) Educators may add additional endorsements to a license in accordance with rules and policies established by the State Board, State Board Educator Licensure Policy 5.502, and guidelines established by the Department.
 - (5) When an endorsement held by an out-of-state applicant does not match the content area or grade span of an available Tennessee endorsement, the Department shall identify the most appropriate match, if possible. In some cases, if there is not an equivalent endorsement and the grade span and/or content area do not have an appropriate match, the Department may request additional evidence to demonstrate knowledge and/or experience in the content area and/or grade span covered by the available Tennessee endorsement prior to issuing or reactivating a license in Tennessee. The same process shall also apply to an educator who is seeking to reactivate an expired license if the endorsements previously held are no longer issued.
 - (6) All educators who teach a course in which a state-level end-of-course examination is required shall hold the subject-specific endorsement for the course or meet the appropriate employment standard set forth in Employment Standards Rule Chapter 0520-02-06, unless the educator is granted a temporary permit or endorsement exemption by the Commissioner to teach a course in which an end-of-course examination is required pursuant to Public Chapter 932 of 2022 for the 2022-23 or 2023-24 school year.
 - (7) An educator may teach up to two (2) sections of one (1) course outside the educator's area of endorsement each school year, except for courses in which a state-level end of course examination is required, elementary physical education courses, or special education courses.
 - (8) An educator who holds a full and valid and active license may teach more than one (1) course or more than two (2) sections of one (1) course outside of the educator's area of endorsement if an endorsement exemption is requested by the director of schools or director of a public charter school and approved by the Commissioner.
 - (a) In reviewing an initial endorsement exemption for approval, the Commissioner shall consider:
 - 1. The educator's previous teaching experience;
 - 2. The educator's postsecondary coursework and degrees held; and

3. The content and grade span of endorsements held on the educator's current license.
- (b) Endorsement exemptions shall be valid for one (1) school year. A director of schools or director of public charter school may request renewal of an endorsement exemption for an educator who demonstrates progress toward earning the relevant endorsement. An endorsement exemption may be renewed no more than two (2) times.
 - (c) Educators may teach on an approved endorsement exemption for no more than a total of three (3) school years.
 - (d) Unless otherwise stipulated in paragraph (6) of this Rule, an endorsement exemption shall not be issued by the Commissioner to an individual to teach a course in which an end of course examination is required, in accordance with T.C.A. § 49-6-6006 or a special education course in accordance with Federal laws.
- (9) Licensed educators enrolled in an additional endorsement program in special education offered by a State Board-approved educator preparation provider may add a provisional special education endorsement by:
 - (a) Submitting a recommendation from the educator preparation provider verifying:
 1. Enrollment in a program of study for additional endorsement in the special education endorsement area; and
 2. An assurance that the educator will be assigned a mentor who is endorsed in the special education endorsement area.
 - (b) In order to transition from a provisional endorsement to a full endorsement, educators shall submit qualifying scores on all State Board-required assessments and successfully complete the program of study within three (3) years of receiving a provisional endorsement. The provisional endorsement shall be valid for three (3) years and shall not be renewed.

Authority: T.C.A. §§ 49-1-302, 49-5-106, 49-5-108, 49-5-403, 49-6-303, 49-5-5619, and 49-6-6006.
Administrative History: Original rule filed November 16, 1989; effective February 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999. Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal filed October 27, 2015; effective January 25, 2016. New rules filed August 16, 2019; effective November 14, 2019. Emergency rules filed July 9, 2021; effective through January 5, 2022. Emergency rules expired effective January 6, 2022, and the rules reverted to their previous statuses. Amendments filed December 2, 2021; effective March 2, 2022.

0520-02-03-.12 PERMITS.

- (1) Academic Permits.
 - (a) After the director of schools or the director of a public charter school notifies the director's local board of education or the governing body of the director's charter school, as applicable, that the LEA or charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists, the director of schools or the director of a charter school may certify to the Commissioner that the LEA or charter school is unable to secure a qualified teacher with a valid license for the position in which a vacancy exists.

- (b) In accordance with T.C.A. § 49-5-106, upon the Commissioner's receipt of the certification, the Commissioner may grant a temporary permit to teach in the unfilled position to an individual who does not hold an active Tennessee educator license under the conditions set forth in this rule.
- (c) The LEA or charter school shall provide evidence of a targeted recruitment strategy for the vacant position.
- (d) The director of schools or charter school leader shall recommend the individual for a teaching permit.
- (e) The recommended individual shall hold a minimum of a bachelor's degree from a regionally accredited college or university.
- (f) If an individual indicates an affirmative answer on the personal affirmation section of the application for a permit, the individual shall show cause why the permit should be issued despite the individual's affirmative answers. The permit application of any individual who indicates an affirmative answer on the personal affirmation section of the application shall be sent to the State Board for review in accordance with State Board Rule 0520-02-03-.09 for a determination of whether the permit may be issued by the Commissioner.
- (g) If an individual teaching on a permit issued by the Commissioner is reported to the State Board by a director of schools or director of a public charter school as described in State Board Rule 0520-02-03-.09 and the misconduct, if substantiated, would warrant disciplinary action under State Board Rule 0520-02-03-.09, the State Board may direct the Commissioner not to issue a subsequent permit to the individual upon expiration of the individual's current permit pursuant to T.C.A. § 49-5-106 and State Board Rule 0520-02-03-.09.
- (h) In reviewing a permit application for approval, the Commissioner may consider, but is not limited to, the following:
 - 1. The individual's previous work experience;
 - 2. The individual's postsecondary coursework and degrees held;
 - 3. The individual's relevant experience in the subject area where the individual is seeking to teach; and
 - 4. The individual's progress toward obtaining a Tennessee educator license.
- (i) The Commissioner may re-issue a temporary permit to teach a course in which an end-of-course examination is required for the 2022-23 and 2023-24 school years if the individual served on a permit to teach a course in which an end-of-course examination was required in the 2021-22 school year.
- (j) Unless otherwise stipulated in paragraph (1)(i) of this Rule, individuals with a teaching permit shall not teach an elementary physical education class required under T.C.A. § 49-6-1021(e), a course in which a state-level end-of-course examination is required, in accordance with T.C.A. § 49-6-6006, or a special education course in accordance with Federal laws.
- (k) Each permit issued by the Commissioner shall be valid only until June 30 following the date of issuance.
- (l) An individual may be issued no more than three (3) permits. An individual shall meet the requirements set forth in this rule for each issuance of a permit.

- (m) A local board of education or governing body of a charter school may employ an individual holding a permit, but not holding a valid license, only for such period for which the local board of education or the governing body of the charter school is unable to secure a qualified teacher with a valid license for the type and kind of school. The permit issued to an unlicensed individual is only valid for the school and LEA identified in the permit application submitted to the Department and shall not be used for any other purpose.
 - (n) If an individual has had a permit application denied by the Commissioner pursuant to paragraph (1)(f) or (1)(g) of this Rule, the individual must indicate such on any future application for an educator license or permit in Tennessee.
- (2) Clinical Practice Permits.
- (a) After the director of schools or the director of a public charter school notifies the director's local board of education or the governing body of the director's charter school, as applicable, that the LEA or charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists, the director of schools or the director of a public charter school may certify to the Commissioner that the LEA or charter school is unable to secure a qualified teacher with a valid license for the position in which a vacancy exists.
 - (b) In accordance with Public Chapter 284 of 2023, upon the Commissioner's receipt of the certification, the Commissioner may grant a clinical practice permit to teach in the unfilled position to an individual who does not hold an active Tennessee educator license under the conditions set forth in this Rule.
 - (c) A director of schools or a director of a public charter school shall submit a conditional offer of employment made by the respective director of schools or the director of the public charter school for the individual to fill a position for which the LEA or public charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists. The conditional offer of employment must include a certification by the director of schools or the director of the public charter school that the director has notified the Commissioner of the LEA's or public charter school's inability to fill the vacancy and its intent to employ the individual pursuant to a clinical practice permit issued pursuant to this Rule.
 - (d) To be eligible to receive a clinical practice permit, an individual shall be enrolled in a State Board approved educator preparation program ("EPP"), have completed all EPP coursework except for the clinical practice required pursuant to T.C.A. § 49-5-5604 and State Board Rules Chapter 0520-02-04, and submit with the application for a clinical practice permit a letter of recommendation from the EPP in which the individual is enrolled. In accordance with T.C.A. § 49-5-5604, courses required as part of the clinical practice shall be considered part of the clinical practice.
 - 1. In reviewing the clinical practice permit application for approval, the Commissioner may consider, but is not limited to, the following:
 - (i) The individual's postsecondary coursework; and
 - (ii) The individual's progress toward obtaining a Tennessee educator license.
 - 2. In accordance with Public Chapter 284 of 2023, the Commissioner may issue a clinical practice permit to teach a course in which an end-of-course examination is required to satisfy the graduation requirements established by the State Board if the individual demonstrates sufficient content knowledge in the course material

by taking and passing, at the teacher's own expense, all specialty area content assessments.

3. The Commissioner shall not grant an individual a clinical practice permit to teach a physical education class required under T.C.A. § 49-6-1021(e) or a special education course in accordance with Federal and state law.
- (e) If an individual indicates an affirmative answer on the personal affirmation section of the application for a clinical practice permit, the individual shall show cause why the permit should be issued despite the individual's affirmative answers. The permit application of any individual who indicates an affirmative answer on the personal affirmation section of the application shall be sent to the State Board for review in accordance with State Board Rule 0520-02-03-.09 for a determination of whether the permit may be issued by the Commissioner.
- (f) An individual who teaches under a clinical practice permit issued pursuant to this Rule satisfies the clinical practice required pursuant to T.C.A. § 49-5-5604 and State Board Rule 0520-02-04-.10 if:
1. The individual is assigned to, and receives guidance, evaluations, and instructions from a clinical mentor who meets criteria set forth in State Board Rule 0520-02-04-.10 and Educator Preparation Policy 5.504 for school-based clinical mentors, for an amount of time that is at least equal to the amount of time required for candidates of the EPP in which the individual is enrolled to meet the EPP's clinical practice requirements;
 2. The EPP clinical supervisor assigned to the individual evaluates the individual as having adequately met the same requirements that candidates of the EPP in which the individual is enrolled must meet to satisfy the clinical practice requirements of T.C.A. § 49-5-5604 and State Board Rule 0520-02-04-.10, including, but not limited to, teaching under a clinical practice permit in a course or endorsement area aligned to the specialty area for which the individual is being prepared; and
 3. The individual teaches under a clinical practice permit for an amount of time that is at least equal to the amount of time required for candidates of the EPP in which the individual is enrolled to complete the clinical practice requirements of T.C.A. § 49-5-5604.
- (g) For the purposes of this Rule "clinical practice" has the same meaning as State Board Rule 0520-04-02-.02(4).
- (h) Each clinical practice permit issued by the Commissioner shall be valid only until June 30 following the date of issuance.
- (i) An individual may only be issued one (1) clinical practice permit. A clinical practice permit shall not be re-issued by the Commissioner.
- (j) The clinical practice permit issued to an unlicensed individual is only valid for the school and LEA identified in the clinical practice permit application submitted to the Department and shall not be used for any other purpose.
- (k) If an individual teaching on a clinical practice permit issued by the Commissioner is reported to the State Board by a director of schools or director of a public charter school as described in State Board Rule 0520-02-03-.09 and the misconduct, if substantiated, would warrant disciplinary action under State Board Rule 0520-02-03-.09, the State Board may direct the Commissioner not to issue any subsequent permit to the individual upon expiration of the individual's current clinical practice permit.

- (l) If an individual has had a clinical practice permit application denied by the Commissioner pursuant to paragraph (2)(e) of this Rule or if the State Board has directed the Commissioner not to issue the individual any subsequent temporary permits pursuant to paragraph (2)(k) of this Rule, the individual must indicate such on any future application for an educator license or temporary permit in Tennessee.
- (3) Occupational Permits.
- (a) After the director of schools or the director of a public charter school notifies the director's local board of education or the governing body of the director's charter school, as applicable, that the LEA or charter school is unable to secure a qualified occupational teacher with a valid occupational license for the course of study in which a vacancy exists, the director of schools or the director of a charter school may certify to the Commissioner that the LEA or charter school is unable to secure a qualified occupational teacher with a valid occupational license for the position in which a vacancy exists.
 - (b) In accordance with T.C.A. § 49-5-106, upon the Commissioner's receipt of the certification, the Commissioner may grant a temporary occupational permit to teach in the unfilled position to an individual who does not hold an active Tennessee educator license under the conditions set forth in this rule.
 - (c) The LEA or charter school shall provide evidence of a targeted recruitment strategy for the vacant position.
 - (d) The director of schools or charter school leader shall recommend the individual for an occupational teaching permit.
 - (e) The recommended individual shall hold a minimum of a high school diploma; and either:
 - 1. An active industry certification for the area of endorsement, as defined by the Department; or
 - 2. A minimum of five (5) years of relevant work experience, completed within the last ten (10) years, or three (3) years of relevant work experience, completed within the last five (5) years, in the endorsement area or equivalent educational attainment, as defined by the Department.
 - (f) If an individual indicates an affirmative answer on the personal affirmation section of the application for an occupational permit, the individual shall show cause why the permit should be issued despite the individual's affirmative answers. The permit application of any individual who indicates an affirmative answer on the personal affirmation section of the application shall be sent to the State Board for review in accordance with State Board Rule 0520-02-03-.09 for a determination of whether the permit may be issued by the Commissioner.
 - (g) If an individual teaching on an occupational permit issued by the Commissioner is reported to the State Board by a director of schools or director of a public charter school as described in State Board Rule 0520-02-03-.09 and the misconduct, if substantiated, would warrant disciplinary action under State Board Rule 0520-02-03-.09, the State Board may direct the Commissioner not to issue any subsequent permit to the individual upon expiration of the individual's current occupational permit.
 - (h) In reviewing an occupational permit application for approval, the Commissioner may consider, but is not limited to, the following:
 - 1. The individual's previous work experience;

2. The individual's postsecondary coursework and degrees held;
 3. The individual's relevant experience in the subject area where the individual is seeking to teach; and
 4. The individual's progress toward obtaining a Tennessee educator license.
- (i) An occupational permit issued by the Commissioner shall be valid only until June 30 following the date of issuance.
 - (j) An individual may only be issued one (1) occupational permit. An occupational permit shall not be re-issued by the Commissioner.
 - (k) A local board of education or governing body of a charter school may employ an individual holding an occupational permit, but not holding a valid license, only for such period of time for which the local board of education or the governing body of the charter school is unable to secure a qualified occupational teacher with a valid license for the type and kind of school. The occupational permit issued to an unlicensed individual is only valid for the school and LEA identified in the permit application submitted to the Department and shall not be used for any other purpose.
 - (l) If an individual has had an occupational permit application denied by the Commissioner pursuant to paragraph (3)(f) or if the State Board has directed the Commissioner not to issue the individual any subsequent temporary permits pursuant to paragraph (3)(g) of this Rule, the individual must indicate such on any future application for an educator license or temporary permit in Tennessee.

Authority: T.C.A. §§ 49-1-302, 49-5-106, 49-5-108, 49-5-403, and Public Chapter 284 of the Public Acts of 2023.
Administrative History: Original rule filed November 16, 1989; effective February 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999. Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal filed October 27, 2015; effective January 25, 2016. New rules filed August 16, 2019; effective November 14, 2019. Amendments filed November 30, 2020; effective February 28, 2021. Amendments filed August 5, 2021; effective November 3, 2021.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Jordan Mollenhour	X				
Bob Eby	X				
Ryan Holt	X				
Warren Wells	X				
Lillian Hartgrove	X				
Nate Morrow	X				
Darrell Cobbins	X				
Larry Jensen	X				
Krissi McInturff	X				
Laurel Cox				X	
Victoria Harpool, designee for Steven Gentile, Interim Executive Director, Tennessee Higher Education Commission Non-Voting Ex-Officio					

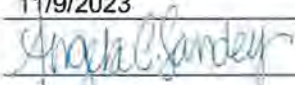
I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the State Board of Education on 11/03/2023, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/11/2023

Rulemaking Hearing(s) Conducted on: (add more dates). 10/02/2023

Date: 11/9/2023

Signature: 


Name of Officer: Angie Sanders

Title of Officer: General Counsel

Agency/Board/Commission: State Board of Education

Rule Chapter Number(s): 0520-02-03

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.


Jonathan Skrametti
Attorney General and Reporter

Nov. 17, 2023
Date

Department of State Use Only

Filed with the Department of State on: 11/21/2023

Effective on: 2/19/2024



Tre Hargett
Secretary of State

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Division of Publications

Public Hearing Comments

The Tennessee State Board of Education held a public rulemaking hearing on Rule 0520-02-03-.11 and .12 on October 2, 2023, at 500 James Robertson Parkway, Nashville, TN and via Webex. No public comments were submitted at the hearing regarding this rule.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

This rule does not affect small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

This rule has no fiscal impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Tennessee State Board of Education Educator Licensure Rule 0520-02-03 outlines the license types issued in Tennessee and requirements for license issuance, renewal, and advancement. Section -.11 governs the issuance of subject area endorsements on licenses, as well as exemptions for individuals to teach subject areas in which they hold a valid license but do not possess the proper endorsement. Section -.12 governs the issuance of temporary permits for unlicensed individuals to teach specific classes for which an LEA or public charter school cannot find a licensed teacher.

Revisions to the Endorsements rule 0520-02-03-.11 authorize the Department of Education to issue endorsement exemptions for elementary physical education courses in accordance with Chapter 280 of the Public Acts of 2023.

Additionally, Chapter 284 of the Public Acts of 2023 (PC 284) created a new temporary permit pathway by allowing the Commissioner of Education to issue temporary permits to individuals who have completed all required coursework in an Educator Preparation Program (EPP) except for the clinical experience requirement.

To align with PC 284, the following revisions were made to Permits Rule 0520-02-03-.12:

- Adds a new category of temporary permits titled Clinical Practice Permits and outlines the requirements to be eligible to obtain a Clinical Practice Permit, including how an individual who teaches under a clinical practice permit may use this time to satisfy the clinical experience required pursuant to T.C.A. § 49-5-5604.
- Clarifies that "clinical experience" means "clinical practice" which includes student teaching, internship, or job-embedded opportunities.
- Clarifies requirements for mentor teachers who oversee individuals teaching under clinical practice permits and who make recommendations regarding completion of all EPP clinical practice requirements.

An emergency rule containing these revisions to Permits Rule 0520-02-03-.12 was approved at the June 22, 2023 special called meeting and is currently in effect. These revisions codify this language as a permanent rule.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Public Chapter 284 of the Public Acts of 2023 created a new temporary permit pathway allowing the Commissioner of Education to issue temporary permits to individuals who have completed all required coursework in an Educator Preparation Program (EPP) except for the clinical experience requirement. Public Chapter 284 required the State Board of Education to adopt rules to effectuate the purposes of the law.

T.C.A. § 49-5-108 provides the State Board of Education "complete jurisdiction over the issuance and administration of licenses for supervisors, principals and public school teachers for kindergarten through grade twelve (K-12)" and that the State Board has "authority to promulgate rules and regulations prescribing minimum standards for licenses and certificates."

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

These rules have a direct effect on the State Board of Education and the Department of Education, and both urge adoption. These rules also have a direct effect on local education agencies and educators seeking licensure or temporary permits in Tennessee. The State Board did not hear from any local education agencies or educators urging adoption or rejection of the rules.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Angie Sanders (State Board of Education)

Angela.C.Sanders@tn.gov

Nathan James (State Board of Education)

Nathan.James@tn.gov

Robin Yeh (Department of Education)

Robin.Yeh@tn.gov

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Angie Sanders (State Board of Education)

Angela.C.Sanders@tn.gov

Nathan James (State Board of Education)

Nathan.James@tn.gov

Robin Yeh (Department of Education)

Robin.Yeh@tn.gov

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

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(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

RULES
OF
THE STATE BOARD OF EDUCATION

CHAPTER 0520-02-03
EDUCATOR LICENSURE

0520-02-03-.11 ENDORSEMENTS.

- (1) All educators shall hold a full and valid Tennessee educator license with an endorsement covering the work assignment as provided in T.C.A. Title 49, Chapter 5.
- (2) Prospective educators seeking initial licensure shall meet requirements in at least one (1) area of endorsement.
- (3) In accordance with T.C.A. § 49-5-5619, beginning August 1, 2023, educators seeking to obtain or maintain endorsements identified in the Educator Licensure Policy 5.502 as requiring passage of a foundational literacy skills assessment or completion of an approved foundational literacy skills professional development course, must submit required documentation demonstrating completion of the foundational literacy skills assessment or foundational literacy skills professional development course as set forth below. If an educator chooses to complete the foundational literacy skills professional development course, evidence of completion of the course shall be submitted to the Department within the twelve (12) months preceding the applicable licensure transaction.
 - (a) Educators seeking licensure and endorsement in an applicable area as identified in Policy 5.502 must demonstrate meeting this requirement at the time of licensure issuance, ~~with the exception of~~ except for candidates enrolled in an educator preparation program with a job-embedded clinical practice.
 - (b) Educators who hold a license and endorsement(s) in an applicable area as identified in Policy 5.502 while enrolled in a program with a job-embedded clinical practice and all other educators seeking to renew or advance a teacher or instructional leader license with an endorsement in an applicable area as identified in Policy 5.502 must complete this requirement ~~in order to~~ renew or advance the license.
 - (c) Educators seeking to add an endorsement in an applicable area as identified in Policy 5.502 to a teaching license must demonstrate completion of this requirement prior to the endorsement being added to the license.
 - (d) Educators who hold multiple endorsements on a license, at least one (1) of which is not impacted by T.C.A. § 49-5-5619, may maintain licensure and any endorsements not identified in Policy 5.502, without demonstrating completion of this requirement; however, any applicable endorsement(s) identified in Policy 5.502 will become inactive at the time of renewal or advancement of the license unless the educator demonstrates completion of this requirement.
 - (e) Educators who only hold a license with applicable endorsement(s) as identified in Policy 5.502 and who do not complete this requirement will not be able to renew or advance the license and it will become inactive.
 - (f) Educators whose license becomes inactive as provided for in subparagraph (e) may reactivate a license and/or applicable endorsement(s) identified in Policy 5.502 held on a license by demonstrating completion of the required foundational skills literacy assessment or approved professional development course required by T.C.A. § 49-5-5619.

- (g) Once an educator has demonstrated completion of the requirement to pass the foundational literacy skills assessment or complete an approved foundational literacy skills professional development course as provided in subparagraphs (a) through (f), the educator will not have to re-take the course or the assessment to maintain licensure.
- (4) Educators may add additional endorsements to a license in accordance with rules and policies established by the State Board, State Board Educator Licensure Policy 5.502, and guidelines established by the Department.
- (5) When an endorsement held by an out-of-state applicant does not match the content area or grade span of an available Tennessee endorsement, the Department shall identify the most appropriate match, if possible. In some cases, if there is not an equivalent endorsement and the grade span and/or content area do not have an appropriate match, the Department may request additional evidence to demonstrate knowledge and/or experience in the content area and/or grade span covered by the available Tennessee endorsement prior to issuing or reactivating a license in Tennessee. The same process shall also apply to an educator who is seeking to reactivate an expired license if the endorsements previously held are no longer issued.
- (6) All educators who teach a course in which a state-level end-of-course examination is required shall hold the subject-specific endorsement for the course or meet the appropriate employment standard set forth in Employment Standards Rule Chapter 0520-02-06, unless the educator is granted a temporary permit or endorsement exemption by the Commissioner to teach a course in which an end-of-course examination is required pursuant to Public Chapter 932 of 2022 for the 2022-23 or 2023-24 school year.
- (7) An educator may teach up to two (2) sections of one (1) course outside the educator's area of endorsement each school year, ~~with the exception of~~ except for courses in which a state-level end of course examination is required, elementary physical education courses, or special education courses.
- (8) An educator who holds a full and valid and active license may teach more than one (1) course or more than two (2) sections of one (1) course outside of the educator's area of endorsement if an endorsement exemption is requested by the director of schools or director of a public charter school and approved by the Commissioner.
- (a) In reviewing an initial endorsement exemption for approval, the Commissioner shall consider:
1. The educator's previous teaching experience;
 2. The educator's postsecondary coursework and degrees held; and
 3. The content and grade span of endorsements held on the educator's current license.
- (b) Endorsement exemptions shall be valid for one (1) school year. A director of schools or director of public charter school may request renewal of an endorsement exemption for an educator who demonstrates progress toward earning the relevant endorsement. An endorsement exemption may be renewed no more than two (2) times.
- (c) Educators may teach on an approved endorsement exemption for no more than a total of three (3) school years.
- (d) Unless otherwise stipulated in paragraph (6) of this Rule, an endorsement exemption shall not be issued by the Commissioner to an individual to teach ~~an elementary physical education class required under T.C.A. § 49-6-1021(a)~~, a course in which an end of course examination is required, in accordance with T.C.A. § 49-6-6006, or a special education course in accordance with Federal laws.
- (9) Licensed educators enrolled in an additional endorsement program in special education offered by a State Board-approved educator preparation provider may add a provisional special education endorsement by:

- (a) Submitting a recommendation from the educator preparation provider verifying:
 - 1. Enrollment in a program of study for additional endorsement in the special education endorsement area; and
 - 2. An assurance that the educator will be assigned a mentor who is endorsed in the special education endorsement area.
- (b) In order to transition from a provisional endorsement to a full endorsement, educators shall submit qualifying scores on all State Board-required assessments and successfully complete the program of study within three (3) years of receiving a provisional endorsement. The provisional endorsement shall be valid for three (3) years and shall not be renewed.

Authority: T.C.A. §§ 49-1-302, 49-5-106, 49-5-108, 49-5-403, 49-6-303, 49-5-5619, and 49-6-6006.
Administrative History: Original rule filed November 16, 1989; effective February 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999. Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal filed October 27, 2015; effective January 25, 2016. New rules filed August 16, 2019; effective November 14, 2019. Emergency rules filed July 9, 2021; effective through January 5, 2022. Emergency rules expired effective January 6, 2022, and the rules reverted to their previous statuses. Amendments filed December 2, 2021; effective March 2, 2022.

0520-02-03-.12 PERMITS.

(1) Academic Permits.

- (a) After the director of schools or the director of a public charter school notifies the director's local board of education or the governing body of the director's charter school, as applicable, that the LEA or charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists, the director of schools or the director of a charter school may certify to the Commissioner that the LEA or charter school is unable to secure a qualified teacher with a valid license for the position in which a vacancy exists.
- (b) In accordance with T.C.A. § 49-5-106, upon the Commissioner's receipt of the certification, the Commissioner may grant a temporary permit to teach in the unfilled position to an individual who does not hold an active Tennessee educator license under the conditions set forth in this rule.
- (c) The LEA or charter school shall provide evidence of a targeted recruitment strategy for the vacant position.
- (d) The director of schools or charter school leader shall recommend the individual for a teaching permit.
- (e) The recommended individual shall hold a minimum of a bachelor's degree from a regionally-accredited college or university.
- (f) If an individual indicates an affirmative answer on the personal affirmation section of the application for a permit, the individual shall show cause why the permit should be issued despite the individual's affirmative answers. The permit application of any individual who indicates an affirmative answer on the personal affirmation section of the application shall be sent to the State Board for review in accordance with State Board Rule 0520-02-03-.09 for a determination of whether the permit may be issued by the Commissioner.
- (g) If an individual teaching on a permit issued by the Commissioner is reported to the State Board by a Director ~~director of schools or director of a public charter school~~ as described in State Board Rule

0520-02-03-.09 and the misconduct, if substantiated, would warrant disciplinary action under State Board Rule 0520-02-03-.09, the State Board may direct the Commissioner ~~to not~~ to issue a subsequent permit to the individual upon expiration of the individual's current permit pursuant to T.C.A. § 49-5-106 and State Board Rule 0520-02-03-.09.

- (h) In reviewing a permit application for approval, the Commissioner may consider, but is not limited to, the following:
 - 1. The individual's previous work experience;
 - 2. The individual's postsecondary coursework and degrees held;
 - 3. The individual's relevant experience in the subject area where the individual is seeking to teach; and
 - 4. The individual's progress toward obtaining a Tennessee educator license.
- (i) ~~Pursuant to Chapter 932 of the Public Acts of 2022, the~~ The Commissioner may re-issue a temporary permit to teach a course in which an end-of-course examination is required for the 2022-23 and 2023-24 school years if the individual served on a permit to teach a course in which an end-of-course examination was required in the 2021-22 school year.
- (j) Unless otherwise stipulated in paragraph (1)(i) of this Rule, individuals with a teaching permit shall not teach an elementary physical education class required under T.C.A. § 49-6-1021(e), a course in which a state-level end-of-course examination is required, in accordance with T.C.A. § 49-6-6006, or a special education course in accordance with Federal laws.
- (k) Each permit issued by the Commissioner shall be valid only until June 30 following the date of issuance.
- (l) An individual may be issued no more than three (3) permits. An individual shall meet the requirements set forth in this rule for each issuance of a permit.
- (m) A local board of education or governing body of a charter school may employ an individual holding a permit, but not holding a valid license, only for such period for which the local board of education or the governing body of the charter school is unable to secure a qualified teacher with a valid license for the type and kind of school. The permit issued to an unlicensed individual is only valid for the school and LEA identified in the permit application submitted to the Department and shall not be used for any other purpose.
- (n) If an individual has had a permit application denied by the Commissioner pursuant to paragraph (1)(f) or (1)(g) of this Rule, the individual must indicate such on any future application for an educator license or permit in Tennessee.

(2) Clinical Practice Permits.

- (a) After the director of schools or the director of a public charter school notifies the director's local board of education or the governing body of the director's charter school, as applicable, that the LEA or charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists, the director of schools or the director of a public charter school may certify to the Commissioner that the LEA or charter school is unable to secure a qualified teacher with a valid license for the position in which a vacancy exists.
- (b) In accordance with Public Chapter 284 of 2023, upon the Commissioner's receipt of the certification, the Commissioner may grant a clinical practice permit to teach in the unfilled position to an individual who does not hold an active Tennessee educator license under the conditions set forth in this Rule.
- (c) A director of schools or a director of a public charter school shall submit a conditional offer of employment made by the respective director of schools or the director of the public charter school

for the individual to fill a position for which the LEA or public charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists. The conditional offer of employment must include a certification by the director of schools or the director of the public charter school that the director has notified the Commissioner of the LEA's or public charter school's inability to fill the vacancy and its intent to employ the individual pursuant to a clinical practice permit issued pursuant to this Rule.

- (d) To be eligible to receive a clinical practice permit, an individual shall be enrolled in a State Board approved educator preparation program ("EPP"), have completed all EPP coursework except for the clinical practice required pursuant to T.C.A. § 49-5-5604 and State Board Rules Chapter 0520-02-04, and submit with the application for a clinical practice permit a letter of recommendation from the EPP in which the individual is enrolled. In accordance with T.C.A. § 49-5-5604, courses required as part of the clinical practice shall be considered part of the clinical practice.

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1. In reviewing the clinical practice permit application for approval, the Commissioner may consider, but is not limited to, the following:

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i. The individual's postsecondary coursework; and

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ii. The individual's progress toward obtaining a Tennessee educator license.

2. In accordance with Public Chapter 284 of 2023, the Commissioner may issue a clinical practice permit to teach a course in which an end-of-course examination is required to satisfy the graduation requirements established by the State Board if the individual demonstrates sufficient content knowledge in the course material by taking and passing, at the teacher's own expense, all specialty area content assessments.

3. The Commissioner shall not grant an individual a clinical practice permit to teach a physical education class required under T.C.A. § 49-6-1021(e) or a special education course in accordance with Federal and state law.

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- (e) If an individual indicates an affirmative answer on the personal affirmation section of the application for a clinical practice permit, the individual shall show cause why the permit should be issued despite the individual's affirmative answers. The permit application of any individual who indicates an affirmative answer on the personal affirmation section of the application shall be sent to the State Board for review in accordance with State Board Rule 0520-02-03-.09 for a determination of whether the permit may be issued by the Commissioner.

- (f) An individual who teaches under a clinical practice permit issued pursuant to this Rule satisfies the clinical practice required pursuant to T.C.A. § 49-5-5604 and State Board Rule 0520-02-04-.10 if:

1. The individual is assigned to, and receives guidance, evaluations, and instructions from a clinical mentor who meets criteria set forth in State Board Rule 0520-02-04-.10 and Educator Preparation Policy 5.504 for school-based clinical mentors, for an amount of time that is at least equal to the amount of time required for candidates of the EPP in which the individual is enrolled to meet the EPP's clinical practice requirements;
2. The EPP clinical supervisor assigned to the individual evaluates the individual as having adequately met the same requirements that candidates of the EPP in which the individual is enrolled must meet to satisfy the clinical practice requirements of T.C.A. § 49-5-5604 and State Board Rule 0520-02-04-.10, including, but not limited to, teaching under a clinical practice permit in a course or endorsement area aligned to the specialty area for which the individual is being prepared; and
3. The individual teaches under a clinical practice permit for an amount of time that is at least equal to the amount of time required for candidates of the EPP in which the individual is enrolled to complete the clinical practice requirements of T.C.A. § 49-5-5604.

~~(g)~~ For the purposes of this Rule "clinical practice" has the same meaning as State Board Rule 0520-04-02-02(4).

~~(h)~~ Each clinical practice permit issued by the Commissioner shall be valid only until June 30 following the date of issuance.

~~(i)~~ An individual may only be issued one (1) clinical practice permit. A clinical practice permit shall not be re-issued by the Commissioner.

~~(j)~~ The clinical practice permit issued to an unlicensed individual is only valid for the school and LEA identified in the clinical practice permit application submitted to the Department and shall not be used for any other purpose.

~~(k)~~ If an individual teaching on a clinical practice permit issued by the Commissioner is reported to the State Board by a director of schools or director of a public charter school as described in State Board Rule 0520-02-03-.09 and the misconduct, if substantiated, would warrant disciplinary action under State Board Rule 0520-02-03-.09, the State Board may direct the Commissioner to not to issue any subsequent permit to the individual upon expiration of the individual's current clinical practice permit.

~~(l)~~ If an individual has had a clinical practice permit application denied by the Commissioner pursuant to paragraph (2)(e) of this Rule or if the State Board has directed the Commissioner not to issue the individual any subsequent temporary permits pursuant to paragraph (2)(k) of this Rule, the individual must indicate such on any future application for an educator license or temporary permit in Tennessee.

~~(3)~~ ~~(2)~~ Occupational Permits.

(a) After the director of schools or the director of a public charter school notifies the director's local board of education or the governing body of the director's charter school, as applicable, that the LEA or charter school is unable to secure a qualified occupational teacher with a valid occupational license for the course of study in which a vacancy exists, the director of schools or the director of a charter school may certify to the Commissioner that the LEA or charter school is unable to secure a qualified occupational teacher with a valid occupational license for the position in which a vacancy exists.

(b) In accordance with T.C.A. § 49-5-106, upon the Commissioner's receipt of the certification, the Commissioner may grant a temporary occupational permit to teach in the unfilled position to an individual who does not hold an active Tennessee educator license under the conditions set forth in this rule.

(c) The LEA or charter school shall provide evidence of a targeted recruitment strategy for the vacant position.

(d) The director of schools or charter school leader shall recommend the individual for an occupational teaching permit.

(e) The recommended individual shall hold a minimum of a high school diploma; and either:

1. An active industry certification for the area of endorsement, as defined by the Department; or
2. A minimum of five (5) years of relevant work experience, completed within the last ten (10) years, or three (3) years of relevant work experience, completed within the last five (5) years.

years, in the ~~area of~~ endorsement area or equivalent educational attainment, as defined by the Department.

- (f) If an individual indicates an affirmative answer on the personal affirmation section of the application for an occupational permit, the individual shall show cause why the permit should be issued despite the individual's affirmative answers. The permit application of any individual who indicates an affirmative answer on the personal affirmation section of the application shall be sent to the State Board for review in accordance with State Board Rule 0520-02-03-.09 for a determination of whether the permit may be issued by the Commissioner.
- (g) If an individual teaching on an occupational permit issued by the Commissioner is reported to the State Board by a ~~Director~~ director of schools or director of a public charter school as described in State Board Rule 0520-02-03-.09 and the misconduct, if substantiated, would warrant disciplinary action under State Board Rule 0520-02-03-.09, the State Board may direct the Commissioner not to issue any subsequent permit to the individual upon expiration of the individual's current occupational permit ~~pursuant to T.C.A. § 49-5-106 and State Board Rule 0520-02-03-.09.~~
- (h) In reviewing an occupational permit application for approval, the Commissioner may consider, but is not limited to, the following:
 - 1. The individual's previous work experience;
 - 2. The individual's postsecondary coursework and degrees held;
 - 3. The individual's relevant experience in the subject area where the individual is seeking to teach; and
 - 4. The individual's progress toward obtaining a Tennessee educator license.
- (i) An occupational permit issued by the Commissioner shall be valid only until June 30 following the date of issuance.
- (j) An individual may only be issued one (1) occupational permit. An occupational permit shall not be re-issued by the Commissioner.
- (k) A local board of education or governing body of a charter school may employ an individual holding an occupational permit, but not holding a valid license, only for such period of time for which the local board of education or the governing body of the charter school is unable to secure a qualified occupational teacher with a valid license for the type and kind of school. The occupational permit issued to an unlicensed individual is only valid for the school and LEA identified in the permit application submitted to the Department and shall not be used for any other purpose.
- (l) If an individual has had an occupational permit application denied by the Commissioner pursuant to paragraph (32)(f) or if the State Board has directed the Commissioner not to issue the individual any subsequent temporary permits pursuant to paragraph (3)(g) of this Rule, the individual must indicate such on any future application for an educator license or temporary permit in Tennessee.

Authority: T.C.A. §§ 49-1-302, 49-5-106, 49-5-108, ~~and~~ 49-5-403, and Public Chapter 284 of the Public Acts of 2023. **Administrative History:** Original rule filed November 16, 1989; effective February 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999. Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal filed October 27, 2015; effective January 25, 2016. New rules filed August 16, 2019; effective November 14, 2019. Amendments filed November 30, 2020; effective February 28, 2021. Amendments filed August 5, 2021; effective November 3, 2021.

RULES
OF
THE STATE BOARD OF EDUCATION

CHAPTER 0520-02-03
EDUCATOR LICENSURE

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0520-02-03-.12 PERMITS.

(1) Academic Permits.

- (a) After the director of schools or the director of a public charter school notifies the director's local board of education or the governing body of the director's charter school, as applicable, that the LEA or charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists, the director of schools or the director of a charter school may certify to the Commissioner that the LEA or charter school is unable to secure a qualified teacher with a valid license for the position in which a vacancy exists.
- (b) In accordance with T.C.A. § 49-5-106, upon the Commissioner's receipt of the certification, the Commissioner may grant a temporary permit to teach in the unfilled position to an individual who does not hold an active Tennessee educator license under the conditions set forth in this rule.
- (c) The LEA or charter school shall provide evidence of a targeted recruitment strategy for the vacant position.
- (d) The director of schools or charter school leader shall recommend the individual for a teaching permit.
- (e) The recommended individual shall hold a minimum of a bachelor's degree from a regionally accredited college or university.
- (f) If an individual indicates an affirmative answer on the personal affirmation section of the application for a permit, the individual shall show cause why the permit should be issued despite the individual's affirmative answers. The permit application of any individual who indicates an affirmative answer on the personal affirmation section of the application shall be sent to the State Board for review in accordance with State Board Rule 0520-02-03-.09 for a determination of whether the permit may be issued by the Commissioner.
- (g) If an individual teaching on a permit issued by the Commissioner is reported to the State Board by a director of schools or director of a public charter school as described in State Board Rule 0520-02-03-.09 and the misconduct, if substantiated, would warrant disciplinary action under State Board Rule 0520-02-03-.09, the State Board may direct the Commissioner ~~to~~ not to issue a subsequent permit to the individual upon expiration of the individual's current permit pursuant to T.C.A. § 49-5-106 and State Board Rule 0520-02-03-.09.
- (h) In reviewing a permit application for approval, the Commissioner may consider, but is not limited to, the following:
 - 1. The individual's previous work experience;
 - 2. The individual's postsecondary coursework and degrees held;
 - 3. The individual's relevant experience in the subject area where the individual is seeking to teach; and
 - 4. The individual's progress toward obtaining a Tennessee educator license.

- (i) The Commissioner may re-issue a temporary permit to teach a course in which an end-of-course examination is required for the 2022-23 and 2023-24 school years if the individual served on a permit to teach a course in which an end-of-course examination was required in the 2021-22 school year.
- (j) Unless otherwise stipulated in paragraph (1)(i) of this Rule, individuals with a teaching permit shall not teach an elementary physical education class required under T.C.A. § 49-6-1021(e), a course in which a state-level end-of-course examination is required, in accordance with T.C.A. § 49-6-6006, or a special education course in accordance with Federal laws.
- (k) Each permit issued by the Commissioner shall be valid only until June 30 following the date of issuance.
- (l) An individual may be issued no more than three (3) permits. An individual shall meet the requirements set forth in this rule for each issuance of a permit.
- (m) A local board of education or governing body of a charter school may employ an individual holding a permit, but not holding a valid license, only for such period for which the local board of education or the governing body of the charter school is unable to secure a qualified teacher with a valid license for the type and kind of school. The permit issued to an unlicensed individual is only valid for the school and LEA identified in the permit application submitted to the Department and shall not be used for any other purpose.
- (n) If an individual has had a permit application denied by the Commissioner pursuant to paragraph (1)(f) or (1)(g) of this Rule, the individual must indicate such on any future application for an educator license or permit in Tennessee.

(2) Clinical Practice Permits.

- (a) After the director of schools or the director of a public charter school notifies the director's local board of education or the governing body of the director's charter school, as applicable, that the LEA or charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists, the director of schools or the director of a public charter school may certify to the Commissioner that the LEA or charter school is unable to secure a qualified teacher with a valid license for the position in which a vacancy exists.
- (b) In accordance with Public Chapter 284 of 2023, upon the Commissioner's receipt of the certification, the Commissioner may grant a clinical practice permit to teach in the unfilled position to an individual who does not hold an active Tennessee educator license under the conditions set forth in this rule-Rule.
- (c) A director of schools or a director of a public charter school shall submit a conditional offer of employment made by the respective director of schools or the director of the public charter school for the individual to fill a position for which the LEA or public charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists. The conditional offer of employment must include a certification by the director of schools or the director of the public charter school that the director has notified the Commissioner of the LEA's or public charter school's inability to fill the vacancy and its intent to employ the individual pursuant to a clinical practice permit issued pursuant to this Rule.
- (d) To be eligible to receive a clinical practice permit, an individual shall be enrolled in a State Board approved educator preparation program ("EPP"), have completed all EPP coursework except for the clinical practice required pursuant to T.C.A. § 49-5-5604 and State Board RuleRules Chapter 0520-02-04, and submit with the application for a clinical practice permit a letter of recommendation from the EPP in which the individual is enrolled. In accordance with T.C.A. § 49-5-5604, courses required as part of the clinical practice shall be considered part of the clinical practice.

1. In reviewing the clinical practice permit application for approval, the Commissioner may-

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consider, but is not limited to, the following:

- i. The individual's postsecondary coursework; and
 - ii. The individual's progress toward obtaining a Tennessee educator license.
2. In accordance with Public Chapter 284 of 2023, the Commissioner may issue a clinical practice permit to teach a course in which an end-of-course examination is required to satisfy the graduation requirements established by the State Board if the individual demonstrates sufficient content knowledge in the course material by taking and passing, at the teacher's own expense, all specialty area content assessments.
 3. The Commissioner shall not grant an individual a clinical practice permit to teach a physical education class required under T.C.A. § 49-6-1021(e) or a special education course in accordance with Federal and state law.
- (e) If an individual indicates an affirmative answer on the personal affirmation section of the application for a clinical practice permit, the individual shall show cause why the permit should be issued despite the individual's affirmative answers. The permit application of any individual who indicates an affirmative answer on the personal affirmation section of the application shall be sent to the State Board for review in accordance with State Board Rule 0520-02-03-.09 for a determination of whether the permit may be issued by the Commissioner.
- (f) An individual who teaches under a clinical practice permit issued pursuant to this Rule satisfies the clinical practice required pursuant to § 49-5-5604 and State Board Rule 0520-02-04-.10 if:
1. The individual is assigned to, and receives guidance, evaluations, and instructions from a clinical mentor who meets criteria set forth in State Board Rule 0520-02-04-.10 and Educator Preparation Policy 5.504 for school-based clinical mentors, for an amount of time that is at least equal to the amount of time required for candidates of the EPP in which the individual is enrolled to meet the EPP's clinical practice requirements;
 2. The EPP clinical supervisor assigned to the individual evaluates the individual as having adequately met the same requirements that candidates of the EPP in which the individual is enrolled must meet to satisfy the clinical practice requirements of § 49-5-5604 and State Board Rule 0520-02-04-.10, including, but not limited to, teaching under a clinical practice permit in a course or endorsement area aligned to the specialty area for which the individual is being prepared; and
 3. The individual teaches under a clinical practice permit for an amount of time that is at least equal to the amount of time required for candidates of the EPP in which the individual is enrolled to complete the clinical practice requirements of § 49-5-5604.
- (g) For the purposes of this Rule "clinical practice" has the same meaning as State Board Rule 0520-04-02-.02(4).
- (h) Each clinical practice permit issued by the Commissioner shall be valid only until June 30 following the date of issuance.
- (i) An individual may only be issued one (1) clinical practice permit. A clinical practice permit shall not be re-issued by the Commissioner.
- (j) The clinical practice permit issued to an unlicensed individual is only valid for the school and LEA identified in the clinical practice permit application submitted to the Department and shall not be used for any other purpose.

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- (k) If an individual teaching on a clinical practice permit issued by the Commissioner is reported to the State Board by a director of schools as described in State Board Rule 0520-02-03-.09 and the misconduct, if substantiated, would warrant disciplinary action under State Board Rule 0520-02-03-.09, the State Board may direct the Commissioner not to issue any subsequent permit to the individual upon expiration of the individual's current clinical practice permit.
- (l) If an individual has had a clinical practice permit application denied by the Commissioner pursuant to paragraph (2)(e) of this Rule or if the State Board has directed the Commissioner not to issue the individual any subsequent temporary permits pursuant to paragraph (2)(k) of this Rule, the individual must indicate such on any future application for an educator license or temporary permit in Tennessee.

(3) Occupational Permits.

- (a) After the director of schools or the director of a public charter school notifies the director's local board of education or the governing body of the director's charter school, as applicable, that the LEA or charter school is unable to secure a qualified occupational teacher with a valid occupational license for the course of study in which a vacancy exists, the director of schools or the director of a charter school may certify to the Commissioner that the LEA or charter school is unable to secure a qualified occupational teacher with a valid occupational license for the position in which a vacancy exists.
- (b) In accordance with T.C.A. § 49-5-106, upon the Commissioner's receipt of the certification, the Commissioner may grant a temporary occupational permit to teach in the unfilled position to an individual who does not hold an active Tennessee educator license under the conditions set forth in this rule.
- (c) The LEA or charter school shall provide evidence of a targeted recruitment strategy for the vacant position.
- (d) The director of schools or charter school leader shall recommend the individual for an occupational teaching permit.
- (e) The recommended individual shall hold a minimum of a high school diploma; and either:
 - 1. An active industry certification for the area of endorsement, as defined by the Department; or
 - 2. A minimum of five (5) years of relevant work experience, completed within the last ten (10) years, or three (3) years of relevant work experience, completed within the last five (5) years, in the endorsement area or equivalent educational attainment, as defined by the Department.
- (f) If an individual indicates an affirmative answer on the personal affirmation section of the application for an occupational permit, the individual shall show cause why the permit should be issued despite the individual's affirmative answers. The permit application of any individual who indicates an affirmative answer on the personal affirmation section of the application shall be sent to the State Board for review in accordance with State Board Rule 0520-02-03-.09 for a determination of whether the permit may be issued by the Commissioner.
- (g) If an individual teaching on an occupational permit issued by the Commissioner is reported to the State Board by a Director-director of schools or director of a public charter school as described in State Board Rule 0520-02-03-.09 and the misconduct, if substantiated, would warrant disciplinary action under State Board Rule 0520-02-03-.09, the State Board may direct the Commissioner not to issue any subsequent permit to the individual upon expiration of the individual's current occupational permit.
- (h) In reviewing an occupational permit application for approval, the Commissioner may consider, but is not limited to, the following:

1. The individual's previous work experience;
 2. The individual's postsecondary coursework and degrees held;
 3. The individual's relevant experience in the subject area where the individual is seeking to teach; and
 4. The individual's progress toward obtaining a Tennessee educator license.
- (i) An occupational permit issued by the Commissioner shall be valid only until June 30 following the date of issuance.
- (j) An individual may only be issued one (1) occupational permit. An occupational permit shall not be re-issued by the Commissioner.
- (k) A local board of education or governing body of a charter school may employ an individual holding an occupational permit, but not holding a valid license, only for such period of time for which the local board of education or the governing body of the charter school is unable to secure a qualified occupational teacher with a valid license for the type and kind of school. The occupational permit issued to an unlicensed individual is only valid for the school and LEA identified in the permit application submitted to the Department and shall not be used for any other purpose.
- (l) If an individual has had an occupational permit application denied by the Commissioner pursuant to paragraph (3)(f) or if the State Board has directed the Commissioner not to issue the individual any subsequent temporary permits pursuant to paragraph (3)(g) of this Rule, the individual must indicate such on any future application for an educator license or temporary permit in Tennessee.

Authority: T.C.A. §§ 49-1-302, 49-5-106, 49-5-108, 49-5-403, and Public Chapter 284 of the Public Acts of 2023.

Administrative History: Original rule filed November 16, 1989; effective February 29, 1990. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999. Repeal and new rules filed December 18, 2014; effective March 18, 2015. A stay of the rules was filed January 28, 2015; new effective date June 1, 2015. Emergency rules filed August 27, 2015; effective through February 23, 2016. Repeal filed October 27, 2015; effective January 25, 2016. New rules filed August 16, 2019; effective November 14, 2019. Amendments filed November 30, 2020; effective February 28, 2021. Amendments filed August 5, 2021; effective November 3, 2021.