

TENNESSEE STATE BOARD OF EDUCATION	
LICENSE DENIAL, FORMAL REPRIMAND, SUSPENSION, & REVOCATION PROCEDURE	5.501

Procedure for License Denial, Formal Reprimand, Suspension, & Revocation

State Board Rule 0520-02-03-.09 governs denial, formal reprimand, suspension, and revocation of a Tennessee educator license. Reporting and recording of any action taken on licenses is coordinated with the Tennessee Department of Education’s Office of Educator Licensure (“OEL”) and local education agencies.

Below is a general outline of the procedure followed in cases of possible license denial, formal reprimand, suspension, or revocation. Requests for restoration of suspended or revoked licenses are handled in accordance with State Board Policy 5.500, License Restoration Applications.

Policy Sections

- 1. Reporting**
- 2. Review Procedure**
- 3. Board or ALJ Action**

1. Reporting

Pursuant to State Board Rule 0520-02-03-.09(2), the Director of Schools or his or her designee shall inform the OEL whenever a licensed educator is “suspended or dismissed, or [has] resigned, following allegations of conduct which, if substantiated, would warrant consideration for license suspension or revocation” under the rule. Directors of Schools are also required to report felony convictions of licensed educators “within thirty (30) days of the suspension, dismissal or resignation” or “within thirty (30) days of receiving knowledge of the [felony] conviction.”

2. Procedure

After receiving a report, the following procedure should be followed:

a. Automatic Revocation

- i. The OEL adds a hold to the educator’s file (license or license application) in TN Compass, the licensure database available to Tennessee Local Education Agencies (LEAs). A hold on an educator’s TN Compass file does not prohibit an educator from being employed; however, before hiring new teachers, LEAs should check the potential employee’s license status on this database to determine the reason for the hold.
- ii. The OEL creates a file with the director’s report and forwards the information to Board counsel.
- iii. Board counsel obtains a certified copy of the criminal record showing the conviction for one of the offenses at T.C.A. § 39-17-417, a sexual offense or a violent sexual offense as defined in § 40-39-202, any offense in title 39, chapter 13, § 39-14-301 and § 39-14-302, § 39-14-401 and § 39-14-404, § 39-15-401 and § 39-15-402, § 39-17-1320, or any other offense in title 39, chapter 17, part 13

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(including conviction for the same or similar offense in any jurisdiction), or a report from the Department of Children's Services (DCS) that verifies the identity of the licensed educator and states that DCS has found the educator to have been a perpetrator of child abuse, severe child abuse, child sexual abuse, or child neglect as stated in T.C.A. § 49-5-413.

- iv. Following receipt of the certified criminal record or report from DCS, Board counsel informs the individual that his/her educator license is subject to automatic revocation at the next Board meeting. Notification is sent at least thirty (30) calendar days prior to the Board meeting at which the revocation is scheduled to occur. During this period, the educator may show compliance with all lawful requirements for the retention of the license.

b. Automatic Suspension

- i. The Tennessee Student Assistance Corporation (TSAC) notifies the OEL and Board counsel of educators who have defaulted on a student loan pursuant to T.C.A. § 49-5-108(d)(2); or the Department of Human Services (DHS) notifies OEL and Board counsel of educators that fail to comply with an order of support of alimony or child support, pursuant to T.C.A. § 36-5-706, as these educators are subject to automatic suspension of their license until they return to compliance.
- ii. The OEL adds a hold to the educator's file (license or license application) in TN Compass.
- iii. A hold on an educator's TN Compass file does not prohibit an educator from being employed; however, before hiring new teachers, LEAs should check the potential employee's license status in TN Compass to determine the reason for any hold.
- iv. Following notification from TSAC or DHS, Board counsel will notify the individual that his/her educator license is subject to automatic suspension at the next Board meeting. Notification is sent at least thirty (30) calendar days prior to the Board meeting at which the suspension is scheduled to occur. During this period, the educator may show compliance with all lawful requirements for the retention of the license.

c. Denial, Formal Reprimand, Suspension or Revocation

- i. Upon receipt of a director's report following the suspension, dismissal, or resignation of an educator amid allegations of misconduct that if substantiated could warrant a licensure action under State Board rule 0520-02-03-.09 or receipt of a report from the National Association of State Directors of Teacher Education and Certification (NASDTEC) national clearinghouse, the OEL adds a hold to the educator's license file (license or license application) in TN Compass. A hold on an educator's TN Compass file does not prohibit an educator from being employed; however, before hiring new teachers, LEAs should check the potential employee's license status in TN Compass to determine the reason for any hold.

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- ii. The OEL prepares a file with the application materials or the director's report and transmits the file to Board counsel.
- iii. If another proceeding could affect the decision by the Board, Board counsel may wait for:
 - 1. The conclusion of any LEA investigation and/or termination proceeding; or
 - 2. Entry of a final order in any criminal or civil proceeding (including DCS findings) related to the events giving rise to the report.
- iv. A panel of Board staff reviews the file to determine whether disciplinary action (denial, formal reprimand, suspension, or revocation) should be pursued, or if additional investigation is necessary. This panel consists of the Executive Director of the State Board or his/her designee, counsel for the Board, and at least one other staff member.
 - 1. An educator may submit to Board counsel a personal statement and any other mitigating information that he or she would like the Board panel 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.
 - 2. If the panel decides not to investigate further or pursue disciplinary action, Board counsel clears the hold on the educator's license file and notifies the OEL to change the license status from "SBE Review" to "Active" and/or to move forward with processing the application.
- v. If the panel recommends that the Board impose disciplinary action or deny the application, then Board counsel notifies the individual via certified return receipt mail of the panel's proposed licensure action and the individual's right to request a hearing within thirty (30) days of receipt of the letter. Counsel may also include a proposed agreed order.
 - 1. If the individual waives the right to a hearing, Board counsel submits the proposed disciplinary action to the Board for roll-call vote at its next meeting. Counsel includes a proposed order for the Board to approve, if applicable.
 - A. The Board is not bound by the recommendation of Board counsel and may vote to impose a less harsh disciplinary action or to remove the item from the agenda for reconsideration of a more harsh disciplinary action.
 - 2. If the individual requests a hearing, then Board counsel schedules a hearing with an Administrative Law Judge (ALJ) from the Administrative Procedures Division of the Secretary of State's office, sitting on behalf of the Board.

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3. Board or ALJ action

a. No Disciplinary Action

- i. If the Board votes not to impose discipline, Board counsel clears the hold on the educator’s license file and notifies the OEL to change the license status from “SBE Review” to “Active” and/or to move forward with processing the application.
- ii. If the ALJ, sitting on behalf of the Board, finds that denial, formal reprimand, suspension or revocation is not warranted, the Board counsel clears the hold on the educator’s license file and notifies the OEL to change the license status from “SBE Review” to “Active” and/or to move forward with processing the application.
- iii. The Board may, however, appeal the ALJ’s decision at its discretion, pursuant to the Uniform Administrative Procedures Act (UAPA).

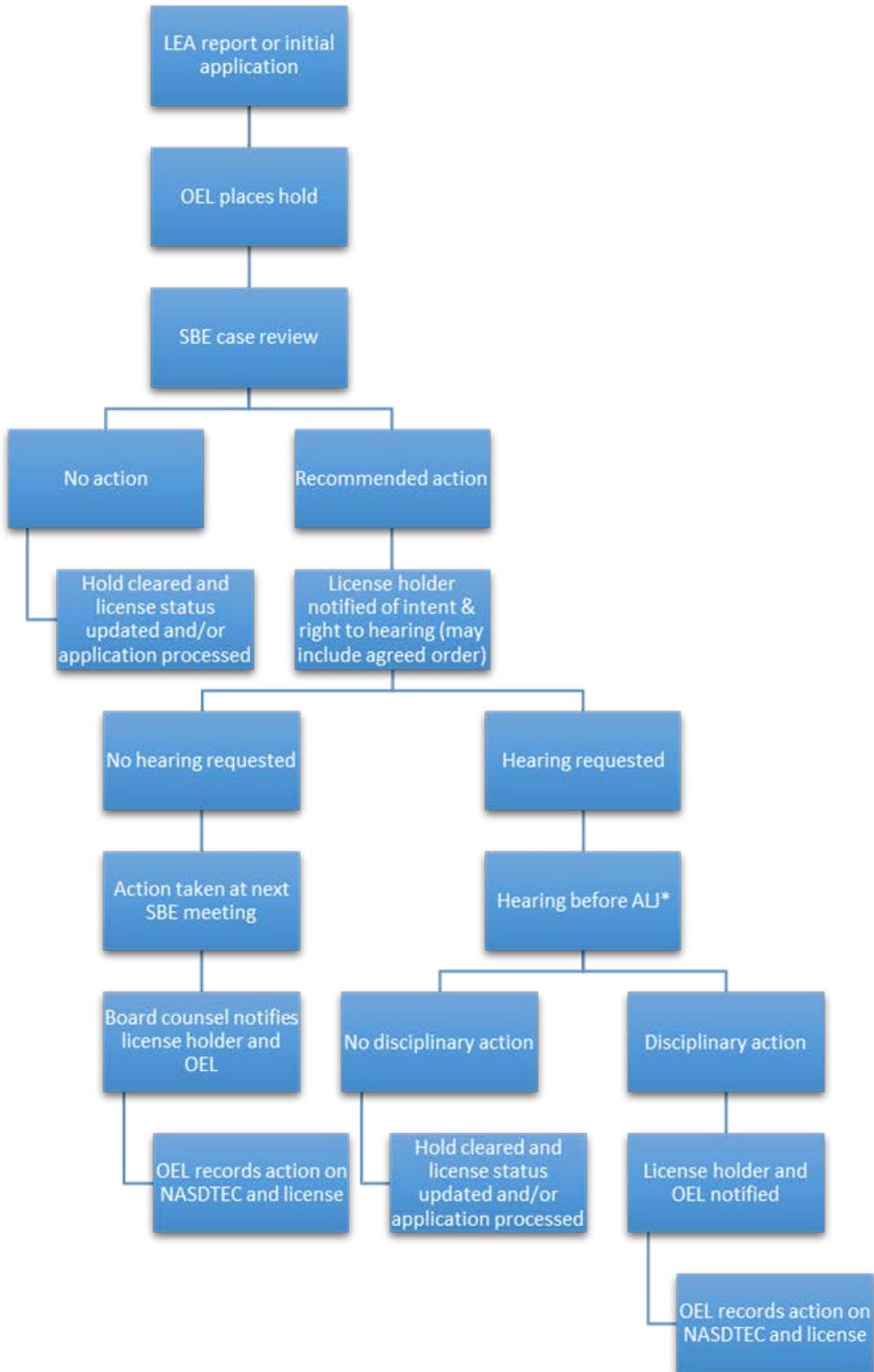
b. Disciplinary Action

- i. If the Board votes to impose discipline or an ALJ finds that discipline is appropriate, counsel sends a copy of the order imposing the disciplinary action (signed by the Chair or an ALJ) to the individual and to the OEL.
- ii. If discipline is imposed by an ALJ, the educator may appeal the ALJ’s decision at his or her discretion, pursuant to the UAPA.
- iii. OEL records the final disciplinary action in TN Compass and the NASDTEC clearinghouse.

NOTE: Suspended licenses are subject to expiration.

A visual representation of the procedure is included as an attachment to this policy

Denial, Formal Reprimand, Suspension or Revocation Flowchart



* The license holder or the SBE may appeal an adverse decision of the ALJ pursuant to the provisions in the UAPA.