

FAQs about the Formal reprimand Option

TN State Board of Education

Why is the formal reprimand being proposed?

The State Board has the responsibility to take licensing actions when a licensed teacher engages in misconduct. Under current rules, the only licensing actions available to the board are suspension, revocation, or denial. Adding the option of a formal reprimand gives the State Board of Education a less punitive option for offenses that require the Board to act, but that may not rise to the level of a suspension, revocation, or denial.

What is a formal reprimand?

A formal reprimand is a less harsh licensing action than the suspension, revocation, or denial of a license. A teacher who has been reprimanded by the Board will receive a letter from the State Board of Education indicating that the inappropriate conduct is discouraged.

Will a teacher who receives a formal reprimand from the State Board of Education be fired?

The formal reprimand is NOT about employment decisions, which are made at the local level. It simply is a tool for a less punitive licensing action. The State Board of Education does not have the ability to hire or fire teachers.

If it is proposed for a teacher to receive a formal reprimand, can the teacher appeal?

Yes. The same due process rights afforded to a person whose license is proposed to be suspended, revoked, or denied are afforded to the formal reprimand. See SBE Rule 0520-2-4-.01(9)(d)

What actions would call for a formal reprimand?

Take TCAP for instance. State law says that a TCAP breach results in a licensing action. If a teacher, while administering the test, opened the test booklet, looked at the questions, and did nothing with the questions, according to testing procedures this would constitute a breach. By law, the State Board of Education would have to take one of the licensing actions available. This would be best suited for a formal reprimand because the State Board would be able to reprimand the teacher for failing to adhere to testing procedures, but the teacher would still be able to keep his/her license. Under current rules, this same teacher may lose his/her license for a period of time because the rules do not allow for any consequence less than a suspension of the license.

Take as another example: an individual who applies for a TN teaching license had a minor criminal conviction 30 years ago. The conviction itself would likely not stop the person from getting a license. However, if the applicant failed to report the conviction and it was uncovered by a background check, then, by rule, she is subject to licensing action. Currently the action would be denial, simply for failing to

report an incident that occurred 30 years ago. However, this would be best suited for a formal reprimand. Applicants should be completely forthcoming about their criminal past, but in this case, it should not preclude someone from obtaining a license to teach.

In these scenarios, a formal reprimand option would be a more appropriate licensing action.

What kind of conduct will not be affected by the formal reprimand?

A teacher will not be reprimanded for his/her political/religious affiliation, having a tattoo, getting a traffic ticket, living with someone to whom they're not married, poor classroom management, sexual orientation, etc. The State Board would not even know about these issues. The State Board only knows what is reported by a Director of Schools. Directors of Schools only report on the suspension, termination, or resignation of an employee that resulted from misconduct. Issues such as those listed are not reported because they are not considered as offenses for purposes of this rule. Even if a Director did report such an issue, the review committee would not recommend censuring a teacher for it. And even if the review committee did, the teacher would have a right to a hearing and no judge would likely rule in favor of the formal reprimand. There are many triggers in due process that prevent a teacher from being formal reprimand for a trivial offense.

How long does a formal reprimand stay on a teacher's "record"?

Once something is reported to the Office of Teacher Licensing, a flag is put on the license immediately until the case is resolved. In the case of a formal reprimand, once the formal reprimand is issued, the flag will go away. The formal reprimand will also be reported to the National Association of State Directors of Teacher Education and Certification, but it will show that it is a formal reprimand only.

What is the process for licensing actions?

Pursuant to SBE Rule, Directors of Schools are obligated to report adverse employment actions to the Office of Teacher Licensing. This means when a teacher is suspended, resigns, or is terminated due to misconduct, the Director will report it. Once the report is received, it is sent to the General Counsel for the State Board of Education. A staff review committee is convened to discuss the offense and make a recommendation for action. Once the committee makes the recommendation, a letter is sent to the license holder explaining the proposed action and explaining that they have a right to a hearing. If they request a hearing, an Administrative Law Judge sitting on behalf of the Board hears the case and renders a judgment. If the license holder does not request a hearing, the Board makes the decision to approve or deny the proposed licensing action. See SBE Policy 5.501

For more information, please visit http://tn.gov/sbe/licensure_actions.htm