

State of Tennessee

PUBLIC CHAPTER NO. 267

SENATE BILL NO. 744

By White

Substituted for: House Bill No. 529

By Slater, Cepicky, Moody, Todd

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1 and Title 49, Chapter 5, relative to educator licensure.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-417(a), is amended by deleting the language:

The state board of education shall automatically revoke the license of a licensed teacher or administrator without the right to a hearing upon:

and substituting instead the following:

The state board of education shall automatically revoke the active license of a licensed educator without the right to a hearing upon:

SECTION 2. Tennessee Code Annotated, Section 49-5-417(a)(1), is amended by deleting the language:

Receiving verification of the identity of the teacher or administrator together with a certified copy of a criminal record showing the teacher or school administrator has been convicted of:

and substituting instead the following:

Receiving verification of the identity of the educator together with a certified copy of a criminal record showing that the educator has been convicted of:

SECTION 3. Tennessee Code Annotated, Section 49-5-417(a)(2), is amended by adding the language "or a similar agency in another jurisdiction" immediately after the language "department of children's services"; by deleting the language "teacher or administrator" and substituting instead the word "educator"; and by deleting the "or" at the end of the subdivision.

SECTION 4. Tennessee Code Annotated, Section 49-5-417(a), is amended by deleting subdivision (3) and substituting instead the following:

(3) The educator's name being placed on the state's vulnerable person's registry, the state's sex offender registry, or similar registries in another jurisdiction;

SECTION 5. Tennessee Code Annotated, Section 49-5-417(a), is amended by adding the following as a new subdivision:

(4) Receiving verification of the identity of the educator together with a certified copy of a court order, settlement agreement, or plea agreement in a criminal, civil, or administrative action requiring the educator to surrender the educator's Tennessee license. Unless otherwise stated in the court order, settlement agreement, or plea agreement, the educator's license must be revoked for a period of no less than five (5) years after which the educator may apply for restoration of the educator's license in accordance with state law and state board rules.

SECTION 6. Tennessee Code Annotated, Section 49-5-417, is amended by deleting subsection (b) and substituting instead the following:

(b) The state board shall send notice to educators whose licenses are subject to automatic revocation at least thirty (30) days prior to the board meeting at which the revocation shall occur.

SECTION 7. Tennessee Code Annotated, Section 49-5-417(c)(2), is amended by deleting the language "license suspension or revocation" and substituting instead the language "license reprimand, suspension, or revocation".

SECTION 8. Tennessee Code Annotated, Section 49-5-417(c)(3), is amended by deleting subdivision (A) and substituting instead the following:

(A) The state board shall develop forms to be used by directors of schools, directors of charter schools, and directors of nonpublic schools for reporting offenses and shall develop instructions and procedures for filling out and filing the forms. The state board shall provide the forms, instructions, and procedures to directors at least annually at the beginning of each school year. The state board may provide the forms, instructions, and procedures electronically.

SECTION 9. Tennessee Code Annotated, Section 49-5-417(c), is amended by deleting subdivision (4) and substituting instead the following:

(4) The state board may issue a public reprimand if a director, who does not hold an active educator license, fails to make a report as required by this section or by the state board. The state board shall send a copy of the reprimand to the director and to the local board of education, charter school governing body, or nonpublic school governing body, as applicable. If a director holds an active educator license, then the director's failure to make a report as required by this section or by the state board may subject the director to formal reprimand or suspension under state board rule. If the state board issues a formal reprimand or suspends a director's educator license for the director's failure to make a required report, then the state board shall send notice of the license action to the local board of education, charter school governing body, or nonpublic school governing body, as applicable.

SECTION 10. Tennessee Code Annotated, Section 49-5-417, is amended by adding the following as a new subsection:

(d) The state board shall prohibit an individual whose educator license has expired from applying to reactivate the expired license if the state board receives verification of the identity of the individual who would qualify for automatic revocation under this section if the individual possessed an active educator license. The state board shall send notice to the individual at least thirty (30) days prior to the board meeting at which the vote to prohibit the individual from applying to reactivate the expired license will occur. The state board shall also send notice of an action taken pursuant to this subsection (d) to the national clearinghouse administered by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

SECTION 11. This act takes effect upon becoming a law, the public welfare requiring it.

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PASSED: April 13, 2023




RANDY McNALLY
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 28th day of April 2023



BILL LEE, GOVERNOR