
Automatic Revocation, Rule

The Background:

Pursuant to State Board of Education Rule 0520-2-4-.01(9)(a) the State Board of Education may automatically revoke, suspend or refuse to issue or renew a license for several offenses enumerated in the rule.

Effective April 28, 2014, Public Chapter 844 of the 108th General Assembly amended T.C.A. § 49-5-413(d)(3) on the investigation of applicants for teaching or child care positions. The amended section enumerates offenses which preclude convicted individuals from coming in direct contact with school children and children in child care programs, or entering the grounds of a school or child care center when children are present. The amended section also specifies that “conviction” includes convictions for the same or similar offense in any jurisdiction, and convictions for the solicitation of, attempt to commit, conspiracy, or acting as an accessory to any such offenses.

This rule amendment adds those offenses to the list of those offenses for which, if convicted, the educator will not be entitled to a hearing in the suspension, revocation, or denial of his/her license. It also amends the definition of “conviction” to reflect the language in Public Chapter 844.

The Recommendation:

SBE staff recommends acceptance of this item on first reading.

Automatic Revocation Proposed Rule Revision

Rule 0520-02-04-.01(9)(a) Automatic Revocation of License is amended by deleting the present language in its entirety and replacing it with the following:

- (a) Automatic Revocation of License. The State Board of Education shall automatically revoke the license of a licensed teacher or administrator without the right to a hearing upon receiving verification of the identity of the teacher or administrator together with a certified copy of a criminal record showing that the teacher or school administrator has been convicted of any felony or offense listed at T.C.A. §§ 40-35-501(i)(2), 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 (including conviction on a plea of guilty or nolo contendere, conviction for the same or similar offense in any jurisdiction, or conviction for the solicitation of, attempt to commit, conspiracy, or acting as an accessory to such offenses). The Board will notify persons whose licenses are subject to automatic revocation at least 30 days prior to the Board meeting at which such revocation shall occur.