
Petition for Declaratory Order

The Background:

T.C.A. § 4-5-223 permits any affected person to petition an agency for a declaratory order as to the validity or applicability of a statute, rule, or order within the primary jurisdiction of the agency. Erin Knight has petitioner the State Board for declaratory order challenging the Board's authority to promulgate a rule concerning the formal reprimand, suspension, and revocation of educator licenses for misconduct and challenging the Board's rule requiring educators to request a hearing to dispute a proposed licensure action.

This item presents the petition for declaratory order for the Board's vote. The Board may vote to:

- (1) Convene a contested case hearing in the presence of a quorum of members and in the presence of an administrative judge and issue a declaratory order ; or
- (2) Convene a contested case hearing by an administrative judge sitting alone who will issue an initial declaratory order; or
- (3) Refuse to issue a declaratory order, in which event the petitioner may apply for a declaratory judgment in the chancery court.

The Recommendation:

The SBE staff recommends that the Board convene a contested case hearing by an administrative judge sitting alone.