

Matthew Clark
Docket No. 07.01-114848J

The Background:

Upon receiving notice of the Board's intent to suspend his license, Mr. Clark requested a hearing, and a case was docketed with the Administrative Procedures Division. The Administrative Law Judge assigned to the case entered a judgment in favor of the State Board, ordering that Mr. Clark's license be suspended until such time as he furnishes appropriate medical proof to the Board sufficient to establish the lack of a drug or alcohol impairment which would prevent him from resuming his teaching career.

Clark, through counsel, appealed the initial order on February 24, 2012.

Pursuant to the Tennessee Uniform Administrative Procedures Act, the Board is required to hear Clark's appeal and render a final order or an order remanding the matter for further proceedings within sixty (60) days after receipt of briefs and oral argument, unless that period is waived or extended with the written consent of all parties or for good cause shown. Pursuant to Tenn. Code Ann. §§ 4-5-314 and 315, the Board may take any one of the following actions:

1. Adopt- in whole or in part- the initial order as the final order.
2. Enter a new final order, with findings of fact and conclusions of law.
3. Remand the matter to the administrative judge with specific instructions for further proceedings.

The Master Plan Connection:

This item supports the Board's Master Plan principles of effective school leaders and effective teachers by denying, suspending or revoking administrator and teacher licenses for a period of time commensurate with the given misconduct. Applicants, teachers and administrators who demonstrate that they should be granted a license or have their license reinstated despite misconduct may be granted a new license at the Board's discretion.

The Recommendation:

The Board must rule within 60 days of receipt of briefs. The ruling is to be made based on the attached technical record. Neither counsel for the Board nor Mr. Clark will be allowed to present oral arguments. Counsel for the Board and Counsel for Mr. Clark will be able to submit additional briefs not to exceed 5 pages in length.

Counsel from the State Department of Education will be available to answer procedural questions.

The technical record, including the Initial Order is attached, in reverse chronological order.

The Board staff review committee recommends adoption of the final order in whole, and thereby suspending Respondent's license.