

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. The State Board received the following two petitions for declaratory order challenging the validity and applicability of the orders of suspension and revocation issued by the Board.

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 hearings by an administrative judge sitting alone.