

Erin R. Knight
Docket No. 07.01-149263J

The Background:

On May 26, 2017, Board counsel notified Ms. Knight that it intended to recommend that the State Board revoke her educator license for allegations of being on school premises during school hours while under the influence of alcohol. On or about October 12, 2017, Ms. Knight filed a petition for declaratory order regarding the validity of the State Board rule 0520-02-03-.09 under state laws. The Petition was heard on June 29, 2018. On November 6, 2018, Judge Cambron entered an Initial Order declaring that the State Board had not exceeded its statutory authority in promulgating Tenn. Comp. R. & Regs. 0520-02-03-.09 and that the Ms. Knight's argument that the State Board's procedure violated Tenn. Code Ann. § 4-5-320(c) was without merit.

Ms. Knight appealed the initial order on November 21, 2018.

Pursuant to the Tennessee Uniform Administrative Procedures Act, the Board is required to hear Ms. Knight'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 Recommendation:

The Board must rule within 60 days of receipt of briefs. The ruling is to be made based on the attached technical record and briefs submitted by Ms. Knight and Board counsel. Neither counsel for the Board nor Ms. Knight will be allowed to present oral arguments.

The technical record, including the Initial Order (Order Denying Ms. Knight's Motion for Summary Judgment), is attached.