
Delegation of Authority to Review Initial Order of Administrative Law Judge (ALJ)

The Background:

The Board recently received an appeal from a teacher seeking review of an Administrative Law Judge's (ALJ) order to uphold the board's action to issue a formal reprimand on the teacher's license.

The Uniform Administrative Procedures Act (T.C.A. § 4-5-101 *et seq.*) governs rulemaking and contested cases before state administrative agencies. T.C.A. § 4-5-315 allows for parties to a contested case to appeal an ALJ's initial order to the Agency on whose behalf the ALJ heard the contested case. The Board may review the order itself, or it may delegate its authority to review the order to one or more persons.

Board staff recommends that the Board delegate its authority to the Executive Director to accept briefs and review the order of the ALJ in this matter. The statute provides for a sixty day window after receiving briefs from the parties in which the review must take place.

The Recommendation:

SBE staff recommends delegation of the Board's authority to review initial orders to the Executive Director by consent.