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5-16-2011

HOLLY HATCHER, Respondent

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BEFORE THE TENNESSEE STATE BOARD OF EDUCATION

IN THE MATTER OF:)
)
HOLLY HATCHER,) **Docket No. 07.01-111440J**
)
Respondent.)

INITIAL ORDER

This contested case came to be heard on May 16, 2011, in Nashville, Tennessee before Administrative Judge Lynn M. England, assigned by the Secretary of State, Administrative Procedures Division, and sitting for the Tennessee Board of Education. Mr. Danielle Walker, General Counsel for the Tennessee State Board of Education, represented the State. The Respondent, Ms. Hatcher, was present and was represented by Mr. William Moore, Jr.

The issue presented by this hearing is whether or not Respondent Hatcher’s teaching license should be revoked or suspended by the State of Tennessee due to Respondent’s conduct which resulted in her plea of guilty to three (3) charges of statutory rape. The State requests that Respondent’s teaching license be revoked.

After consideration of the testimony and evidence presented, the arguments of counsel, and the entire record in this matter, it is determined that revocation of Respondent’s teaching license is appropriate. Accordingly, Respondent’s teaching license shall be **REVOKED**.

This decision is based upon the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. At all relevant times, Respondent was duly licensed by the State Board of Education as a teacher in the State of Tennessee.
2. Respondent is currently 29 years of age.

3. Respondent was a teacher in the Sumner County School System in 2007 when she was charged with statutory rape by an authority figure.

4. Respondent currently lives in Cookeville, Tennessee where she is employed and pursuing her master's degree.

5. In December 2010, Respondent entered a plea of guilty to three (3) counts of statutory rape in violation of T.C.A. § 39-13-506. In her guilty plea, Respondent admitted to an inappropriate relationship with a minor on three (3) separate occasions.¹

CONCLUSIONS OF LAW

1. The Board has the burden to introduce evidence that would by a preponderance of the evidence prove the issues should be resolved in its favor. Rule 1360-4-1-.02.

2. The Board is charged with regulating school teacher licensing. T.C.A. § 49-1-302 et seq and T.C.A. § 49-5-108(a).

3. Rule 0520-2-4-.01(9)(b) of the *Rules of the Tennessee State Board of Education* provides as follows:

Denial, Suspension or Revocation of License. The State Board of Education may revoke, suspend or refuse to issue or renew a license for the following reasons:

1. Conviction of a felony.
2. Conviction of possession of narcotics.
3. Being on school premises or at a school-related activity involving students while documented as being under the influence of, possessing or consuming alcohol or illegal drugs,
4. Falsification or alteration of a license or documentation required for a license,
5. Denial, suspension or revocation of a license or certificate in another jurisdiction for reasons which would justify denial, suspension or revocation under this rule, or
6. **Other good cause.** Other good cause shall be construed to include noncompliance with security guidelines for

¹ It is inconsequential that respondent was placed on judicial diversion pursuant to T.C.A. § 40-35-313 which allows for expungement of her record upon successful completion of all conditions of her probation.

TCAP or successor tests pursuant to T.C.A. §49-1-607, default on a student loan pursuant to T.C.A. §49-5-108(d)(2) or failure to report under part (e). (Emphasis added.)

For purposes of this part (b), "conviction" includes conviction on a plea of guilty, a plea of *nolo contendere* or an order granting pre-trial diversion.

4. Rule 0520-2-4-.01 (9)(c)(2) of the *Rules of the Tennessee State Board of Education* also provides for Restoration of License:

2. A person whose license has been denied or revoked under parts (a) or (b) may apply to the Board to have the license issued or restored upon application showing that the cause for denial or revocation no longer exists and that the person has complied with any terms imposed in the order of denial or revocation. In the case of a felony conviction, before an application will be considered, the person must also show that any sentence imposed, including any pre-trial diversion or probationary period has been completed. Application for such issuance or restoration shall be made to the Office of Teacher Licensing and shall be voted on at a regularly scheduled meeting of the State Board of Education. Nothing in this section is intended to guarantee restoration of a license.

ANALYSIS

The State asserts that revocation of Respondent's license would be appropriate. The Respondent asserts that since T.C.A. § 40-35-313 allows for her record to be expunged upon successful completion of the terms of her probation, that suspension of her license during the period of her probation would be appropriate.

Based upon the testimony presented, Respondent will complete her probation in approximately ten (10) years. Nothing in this Order shall prevent her from making an application for restoration of her license at that time.

Generally, disciplinary proceedings against licenses in the state of Tennessee are conducted to protect the health, safety, and welfare of the citizens of Tennessee and the public.

The evidence presented is such that failure to revoke Respondent's teaching license or certificate would place the public's health, safety, and welfare at risk.

Considering all the facts and circumstances of this case, including the fact that Respondent pled guilty to three (3) counts of statutory rape, it is determined that the correct discipline to be imposed is a revocation of Respondent's teaching license.

Accordingly, Respondent's teaching license shall be **REVOKED**.

It is so ORDERED.

This order entered and effective this 23rd day of May, 2011. England
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this
_____ day of May 2011.

A handwritten signature in black ink that reads "Thomas G. Stovall". The signature is written in a cursive style with a horizontal line underneath the name.

Thomas G. Stovall, Director
Administrative Procedures Division