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LUCILLE RICHARDSON

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This contested case came on to be heard on August 19, 2011, in Nashville, Tennessee before Administrative Judge Tom Stovall, assigned by the Secretary of State, Administrative Procedures Division, and sitting on behalf of the Tennessee State Board of Education. Ms. Dannelle Walker, Counsel for the Tennessee State Board of Education, represented the State. The Respondent, Ms. Richardson, was present and was represented pro se.

The issue presented by the hearing is whether or not Respondent Richardson’s teaching license should be restored by the State Board of Education after being initially revoked in 2008 due to her indication as a perpetrator of child abuse by the Tennessee Department of Children’s Services.

After consideration of the testimony and evidence presented, the arguments of counsel, and the entire record in this matter, it is determined that the Respondent’s request for restoration of her teaching license should be DENIED.

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

FINDINGS OF FACT

1. Respondent was licensed by the Board as a teacher when, on February 7, 2008, the Department of Children’s Services entered a final order indicating Respondent as a perpetrator of child abuse, based on an incident that occurred in her classroom. This indication still stands.
2. Respondent’s teaching license was revoked, after a hearing before an Administrative Law Judge sitting on behalf of the Board, on September 23, 2008. Respondent filed a Petition for Reconsideration of the Initial Order, which was denied by the Administrative Judge on October 28, 2008.

CONCLUSIONS OF LAW

1. Rule 0520-02-04-.01(c)(1) of the Rules of the Tennessee State Board of Education provides as follows:

   Restoration of License.
   1. 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.

2. Tennessee Code Annotated § 49-10-608 (2007 Public Chapter 598) prohibits any school district in Tennessee (or the State Board or State Department of Education) from hiring anyone who has been indicated as a perpetrator of child abuse.

3. Department of Children’s Services Rule 0250-7-9-.11(3) states that if the indication of abuse is upheld, “the organization or person [with whom the individual is associated] shall
continue to assure that the individual is not a threat to the safety of any child in their care.”

Revocation is the means available to the Board to “assure that [Richardson] is not a threat to the safety of any child in [her] care.”

4. Because her DCS indication still stands, Richardson has failed to meet her burden of proof in showing that the cause no longer exists.

Accordingly, Respondent’s request for restoration of her Tennessee teaching license is DENIED.

This order entered and effective this 22nd day of August, 2011.

____________________________________
Thomas G. Stovall
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 22nd day of August, 2011.

____________________________________
Thomas G. Stovall, Director
Administrative Procedures Division