

Chapter 14: Certification

Rule 14.6.1 Rules for Procedure for Disciplinary Hearings by the Licensure Commission

1. All controversies involving the issuance, revocation, suspension or any change whatsoever in the certification/license of an educator required to hold a certificate/license shall be initially heard in a hearing de novo by the Commission on Teacher and Administrator Education, Certification and Licensure and Development (the Commission), or by a sub-committee established by the Commission and composed of Commission members for the purpose of holding hearings.
2. Any complaint seeking the denial of issuance, revocation or suspension of a certificate/license shall be by sworn affidavit filed with the Commission.
3. Upon receipt of such complaint or of a written appeal from the denial of an application for certification/license, the Executive Secretary, or other designee, of the Commission shall fix a date, time and place for the hearing of the complaint or appeal, and will furnish to the applicant/certificate/license holder by certified mail, or by any other manner of service authorized by law, a copy of the complaint and notice of the date, time and place for the hearing, which date shall be not less than fifteen (15) days nor more than 120 days from the date of such notice, unless otherwise agreed.
4. The Executive Secretary may grant one continuance per party. A written request for the continuance should be sent to the Office of Educator Licensure, *no later than 10 business days prior to the hearing*. A request may be granted only for good cause. Any additional continuances are required to be presented by personal appearance before the Commission and may be granted only by the Commission.
5. Parties appearing at the hearing may be represented by legal counsel, at their own expense, and may produce witnesses and cross examine witnesses. It will be the responsibility of each party to secure the attendance of such witness or witnesses as each party deems necessary or appropriate; and any expense connected with the attendance of such witnesses will be born by the party responsible for the attendance of the witnesses. Witnesses who are 18 years of age or younger must be accompanied by a parent or legal guardian to the hearing.
6. At least seven (7) days prior to the hearing, parties represented by counsel and/or producing witnesses shall provide a list containing the name, address, and telephone number of counsel and/or witnesses, and seven copies of all exhibits that will be produced at the hearing, to the other party or parties and to the Commission.
7. The Commission or its sub-committee, in order to prevent cumulative oral evidence, may require any portion of the evidence to be submitted in the form of transcripts, depositions or affidavits; and in case affidavits are received, an opportunity to present counter-affidavits shall be provided.

8. The Commission or its sub-committee may, by an affirmative vote of three-fifths of all members present, and pursuant to the Mississippi Open Meetings Act (Miss. Code Ann. § 25-41-7), enter into executive session for purposes of any hearing held under these rules.
9. The Commission or the sub-committee shall cause to be made stenographic notes by a certified court reporter of the proceedings, which notes shall not be transcribed until and unless an appeal is taken from the decision of the Commission or sub-committee.
10. In conducting a hearing, the Commission or its sub-committee shall not be bound by common law or by statutory rules of evidence or by technical or formal rules of procedure, except those provided herein, but may conduct such hearing in such manner as to best ascertain the rights of the parties; provided, however, hearsay evidence, if admitted, shall not be the sole basis for the determination of facts by the Commission or its sub-committee.
11. The Commission or its sub-committee shall make its decision on the basis of the matters presented before it, and shall notify all parties by certified mail of its decision and reasons therefore within fifteen (15) days of the conclusion of the hearing. The decision shall specify the date any revocation or suspension of a certificate/license shall be effective.
12. The decision of the Commission or its sub-committee shall be final, unless the aggrieved party appeals to the State Board of Education within ten (10) days of the receipt of the decision of the Commission or its sub-committee. The appeal shall be on the record previously made before the Commission or its sub-committee, unless otherwise provided by rules and regulations adopted by the State Board of Education.
13. An appeal from the action of the State Board of Education shall be filed in the Chancery Court of the First Judicial District of Hinds County, Mississippi, within thirty (30) days after notification of the action by the State Board of Education is mailed or served in accordance with Miss. Code Ann. § 37-3-2.
14. Prior to being scheduled to appear before the Commission, or its subcommittee, any person who petitions for reinstatement of licensure must file with the Department of Education, Office of Educator Licensure a completed Application for Reinstatement including all required documentation. Submission of the completed Application for Reinstatement including all required documentation does not guarantee that the Commission, or its subcommittee, will grant the petition for reinstatement of the educator's license.
15. Reinstatement applicants appearing at the reinstatement hearing may be represented by counsel, at their own expense, and may produce witnesses and cross-examine witnesses. It will be the responsibility of each party to secure the attendance of such witness or witnesses, as each party deems necessary or appropriate; and any expense connected with the attendance of such witnesses will be born by the party responsible for the attendance of the witnesses. The Commission, or its subcommittee, will consider all evidence

presented at the reinstatement hearing.

Source: *Miss. Code Ann. § 37-3-2 (Revised 7/2017)*