

**RULES OF PROCEDURE UNDER THE EDUCATION EMPLOYMENT PROCEDURES
LAW**

1. APPLICATION OF POLICY

The policies and procedures as set forth herein shall be applicable only to teachers, principals, and superintendents elected by the board, or other professional instructional personnel who are required to have a valid license issued by the State Department of Education as a prerequisite of employment and are under formal contract of employment under §37-9-25 of the Mississippi Code of 1972.

2. DETERMINATION OF SEPARATION

In the event that a determination that the best interests of the school district would be served by the release from future em

- a. The board may, at its discretion, appoint one or more hearing officer(s) to conduct the hearing. Nothing herein shall be construed to prohibit a member of the board or an employee of the school district from serving as the hearing officer or to require that he be legally trained, provided that such person was not responsible for the initial decision of nonreemployment.
- b. The hearing officer shall have full power and authority to conduct the hearing to ascertain pertinent facts and facilitate the hearing. The hearing officer is empowered to do the following:
 1. administer oaths and affirmations;
 2. issue subpoenas, subject to the provisions of Section 7 of these rules;
 3. examine witnesses;
 4. receive depositions or affidavits or have them taken when the end of justice would be served, as hereinafter provided;
 5. regulate the course of the hearing provided;

d.

- b. Prior to receiving any testimony, evidence will be received that all notices and information was timely sent to the employee and that the employee made timely requests for information and a hearing. If a notice or a request is defective or untimely, the presiding officer may order such relief as inappropriate.
- c. Witnesses and other evidence in support of the determination to release the employee from future employment will be introduced first. The hearing officer may interrogate witnesses himself or he may allow a representative of the administration or the board to examine witnesses. The employee or his attorney will also be allowed to cross-examine each witness presenting evidence against him at the hearing.
- d. The hearing will be held in executive session unless the employee elects to have a public hearing, and shall be considered a confidential personnel record. If the hearing is public, the board or hearing officer may order any part of the hearing to be held in executive session, if, in the opinion of the board or hearing officer, the testimony to be elicited deals with matters involving the reputation or character of another person. Testimony by minors shall be held in executive session.
- e. After the evidence in support of the determination has been submitted, the employee will be allowed an opportunity to present his witnesses and evidence. The presiding officer and a representative of the administration or the board will be allowed an opportunity to cross-examine any witnesses for the employee.
- f. After the employee concludes his case, the administration will be allowed an opportunity to present rebuttal evidence, either at the time of the hearing or within a reasonable time upon recess of the hearing.
- g. The hearing officer, at his discretion, may require any portion of the evidence to be submitted in the form of depositions or affidavits. If affidavits are received, counter-affidavits may be presented within such time as the hearing officer may allow.
- h. At the conclusion of the hearing, each party may be allowed an opportunity for closing arguments, if requested by the hearing officer, at his discretion.

9. RECOMMENDED DECISION OF HEARING OFFICER

- a. If the board appoints a hearing officer, he/she shall make a report unless the board orders that the record be transmitted to it without such report.
- b. The hearing officer may, at his discretion, prior to the conclusion of the hearing and to making his report, request proposed findings from all parties.

10. FINAL DECISION

- a. If the board initially hears the matter, it will make its decision on the basis matters presented before it and will send notices of its decision to the parties within 10 days of the conclusion of the hearing.

- b. If the board does not initially hear the matter, the parties will be given a reasonable opportunity to appear before the board, in person or by counsel, to present statements in their behalf. The board will send notice of its decision to the parties within 30 days of the conclusion of the hearing.
- c. The board shall receive the hearing officer's report and the record and shall prepare its own findings and final decision.

SOURCE: Jackson Public School District, Jackson, Mississippi

DATE: September 16, 2002

REVEIWED: June 9, 2006