



**PREPARING FOR A BREACH OF CONTRACT CERTIFICATION HEARING
DISTRICT LEVEL CHECKLIST**

If the district wishes to pursue suspension of an educator’s license after he/she breaches a contract, the documentation listed on the table below is requested by the Office of Educator Misconduct (OEM). Once all documentation is received, the OEM will prepare and forward the record to a review committee that will determine if the case will move forward to a hearing before the Commission on Teacher and Administrator Licensure and Certification and Development. The superintendent will be notified of the review committee’s decision by the OEM.

Name _____ License # _____

DOCUMENTATION REQUESTED BY OEM	DATE RECEIVED
<p>Appendix C: Report form for Superintendent of Education for Reporting Infraction under Miss. Code Ann. § 37-3-2: http://www.mde.k12.ms.us/educator-licensure/division-of-educator-misconduct</p> <p><i>Note that this notarized form should be received within 10 days of the educator’s abandonment of employment in order to pursue suspension. Other items requested below can be sent at a later date if needed.</i></p>	
<p>Official action by the school board to deny the educator’s resignation, if the educator submitted a resignation letter. This should include a notarized resolution signed by the school board members or a notarized copy of the signed board minutes reflecting recommendation of the school board. Please indicate/mark the relevant section of the minutes. See Miss. Code Ann. § 37-9-55 below:</p> <p>Miss. Code Ann. § 37-9-55. Release from contract Any appointed superintendent, principal or licensed employee in any public school who is under contract to teach or perform other duties and who desires to be released from such contract shall make application in writing to the school board of the school district for release therefrom, in which application the reasons for such release shall be clearly stated. If the board acts favorably upon such application for release, such superintendent, principal or licensed employee shall be released from his contract, and said contract shall be null and void on the date specified in the school board’s order.</p>	

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<p>Official action by the school board to suspend the educator’s license. This should include a notarized resolution signed by the school board members or a notarized copy of the complete board minutes. Please mark/indicate the relevant pages/sections. See Miss. Code Ann. § 37-9-57 below:</p> <p>Miss. Code Ann. § 37-9-57. Effect of abandonment of employment If any appointed superintendent, principal or licensed employee in any public school of this state shall arbitrarily or willfully breach his or her contract and abandon his or her employment without being released therefrom as provided in Miss. Code Ann. § 37-9-55, the contract of such superintendent, principal or licensed employee shall be null and void. In addition thereto the license of such superintendent, principal or licensed employee may be suspended by the State Board of Education for a period of one (1) school year as provided in Miss. Code Ann. § 37-3-2(8) upon written recommendation of the majority of the members of the school board of the school district involved.</p>	
<p>Official documentation of notification to the educator of personnel action to be acted on by the school board</p>	
<p>A copy of all documents considered by the school board in making the decision to request suspension. This should include all correspondence between the educator and the superintendent or any school district personnel.</p>	
<p>A notarized complaint by sworn affidavit seeking the suspension of said educator’s license filed with the Certification Commission, pursuant to Miss. Code Ann. §§ 37-3-2(10) and 37-3-2(13)(a) - sample affidavit is available online at: http://www.mde.k12.ms.us/OEL/division/certification-hearing-resources</p>	
<p>A copy of the educator’s contract</p>	
<p>Pertinent pages from district policy and/or school handbooks regarding breach/abandonment of contract/resignation.</p>	
<p>A memo from an administrator describing the burdens/challenges created by the vacated position.</p>	