Chapter 14: Certification

Rule 14.6.2 Disciplinary Process Policy

1. REPORTING AND INVESTIGATIONS
   a. The Office of Educator Misconduct Evaluations is tasked with assisting the Commission in responding to infractions and violations, and in conducting hearings and enforcing the provisions of Miss. Code Ann. §§ 37-3-2 (11), (12), (13), (14) and (15), and violations of the Mississippi Educator Code of Ethics and Standards of Conduct.
   b. Upon receipt of a report of misconduct and/or violations as established in Rule 14.10: Reporting Infractions, the Office of Educator Misconduct Evaluations shall immediately institute an investigation into the allegations of the report. Except for reports of misconduct and/or violations of Miss. Code Ann. § 37-9-57, the Office of Educator Misconduct Evaluations shall have the discretion to request additional information as needed from the reporting party. In the event the reporting party fails to provide said additional information within thirty (30) days of request, the Office of Educator Misconduct Evaluations shall have the authority to dismiss said report due to insufficient information. The Office of Educator Misconduct Evaluations shall have the discretion to extend such window if deemed necessary.
   c. Upon investigation, the Office of Educator Misconduct Evaluations shall have the authority to dismiss any report based on either the sufficiency of local school district response, the severity of the alleged violation or misconduct, or offer settlement of any alleged violation or misconduct, said settlement subject to final approval by the Commission. Such authority of the Office of Educator Misconduct Evaluations is subject to the provisions of this Rule.
   d. The Office of Educator Misconduct Evaluations shall submit any report it has not otherwise disposed of to a Review Committee comprised of three (3) employees of the Mississippi Department of Education not assigned to either the Office of Educator Misconduct Evaluations or the Office of Educator Licensure. Said submission shall occur no later than one hundred twenty (120) days after either receipt of a report or additional requested information. Failure to submit within said timeframe shall result in dismissal of the report. The Office of Educator Misconduct Evaluations, with the assistance of counsel, shall present the report to the Review Committee. The Review Committee shall be tasked with determining if hearing on a report is warranted by the evidence and information provided by the reporting party and/or collected by the Office of Educator Misconduct Evaluations. Upon such a determination supported by a majority vote of the Review Committee, the Office of Educator Misconduct Evaluations shall immediately cause Complaint on the specific allegations of the violation be sworn by affidavit and filed with the Commission.

2. AUTOMATIC SUSPENSIONS-FELONY CONVICTIONS
   a. Any report alleging misconduct or violations by a licensee as stated in Miss. Code Ann. §§ 37-3-2(11)(a)(i), (ii), (iii), and (iv) shall result in the licensee’s license being automatically revoked. Upon receipt of such report, supported by appropriate documentation, including by not limited to certified court records and/or criminal history, the Office of Educator Misconduct Evaluations shall inform the Executive Secretary of the Commission. The Executive Secretary shall immediately cause the Educator to be informed of such revocation by way of certified mail.
   b. Any report alleging misconduct or violations by a licensee as stated in Miss. Code. § 37-3-2(12)(d) shall result in the licensee’s license being automatically suspended for a period equal to sentencing and/or probation or post-release supervision. Upon receipt of such report, supported by appropriate documentation, including by not limited to certified court records and/or criminal history, the Office of Educator Misconduct Evaluations shall inform the Executive Secretary of the Commission. The Executive Secretary shall immediately cause the Educator to be notified of such suspension by way of certified mail.
c. All licenses revoked or suspended under this section shall only be reinstated in accordance with Miss. Code Ann. § 37-3-2(14)(a).

3. AUTOMATIC SUSPENSIONS-BREACH OF CONTRACT
a. Any report alleging misconduct or violation by a licensee as stated in Miss. Code Ann. § 37-3-2(12)(a) shall result in the licensee’s license being automatically suspended for a scholastic year as defined by Miss. Code Ann. § 37-61-1. Such report must be accompanied by documentation including, but not limited to board minutes, establishing the governing School Board’s request for suspension pursuant to Miss. Code Ann. § 37-9-57. Failure to provide such documentation with the initial report shall result in the suspension being denied and the report dismissed.
b. Upon receipt of such report, the Office of Educator Misconduct Evaluations shall inform the Executive Secretary of the Commission. The Executive Secretary shall immediately cause the Educator to be notified by way of certified mail.
c. All licenses suspended under this section shall be automatically reinstated without the necessity of hearing upon the expiration of the suspension period.

5. PROBATION ORDERS
a. Probation orders of the Commission may include certain requirements or stipulations including, but not limited to, continuing education courses, counseling, community service or outreach, or drug-testing. Failure to abide by said requirements or stipulations shall result in immediate suspension of the license for one (1) year.
b. For the purposes of a probation order, allegations of misconduct or violation of the Mississippi Educator Code of Ethics and Standards of Conduct while serving probation shall be considered a violation of the probation, resulting in immediate suspension of the licensee’s license.