

## Chapter 62: Public School Funding

*Rule 62.4 Hearing Procedures.* The hearing procedure for the Public School Building Fund is as follows:

1. The State Department of Education, Bureau of School Building and Transportation, shall make the initial recommendation to the State Board of Education to approve or disapprove the plan or application.
2. If the recommendation is to disapprove the plan or application and the State Board acts upon same, the Department will notify the district by certified mail of disapproval, listing the reasons therefore in accord with 37-47-17 and giving notice to the district of its right to request a hearing in writing before the State Board of Education pursuant to 37-45-27 et. seq. within twelve days of receipt of the letter of denial.
3. Upon receipt of a request for a hearing by the district, the State Superintendent of Education will notify the district by certified mail of the time and place of the hearing. Such notification will not exceed ten days from the date of receipt of the request unless mutually agreed in writing by the department and the district.
4. The State Board of Education may hear the issues or may designate an ad hoc committee of the Board to hear the issue(s) at a called meeting and act upon the committee's recommendation at the next regularly scheduled meeting following the issuance of the committee's recommendation unless otherwise mutually agreed in writing by the department and the district.
5. The district and the department may present witnesses and other evidence pertinent to the issue(s) in accord with the provisions of 37-45-27. The State Board of Education shall not be bound by the common law or by statutory rules of evidence or by formal or technical rules of procedure, but may conduct the hearing in such a manner as to best ascertain and determine the welfare of the educable children involved, the efficiency of the schools' operation, and the economic and social welfare of the various school areas involved. Hearsay evidence, if presented, shall not be the sole basis for the determination by the board. The board may ask questions, limit the examination or cross-examination of witnesses and recess and reconvene the hearing, if necessary, in accord with 37-45-27 and 37-45-15.

6. It shall be the responsibility of each party to secure the attendance of its witnesses; however, under the authority of 37-45-31 and upon request of the parties, the State Board of Education may subpoena witnesses and documents material to the issue(s) under seal of the State Board of Education and in its name. Failure to comply with a subpoena is governed by 37-45-33.
7. A record of the hearing will be taken in accord with the provisions of 37-45-37 and 37-45-45. It is the duty of the appealing district to obtain a court reporter. Should the district certify in writing to the board that it is unable to obtain a competent reporter; the board will select a reporter for the district.
8. The appealing district will bear all costs of the hearing, including the court reporter's fees, excepting only the cost of any witnesses subpoenaed by the State Department of Education (See 37-45-35; 37-45-37; 37-45-43; 37-45-45; 37-45-47; 37-45-49).
9. Two copies of all written evidence will be required: one copy for the State Board of Education and one copy for the opposing party. Evidence submitted by the district will be labeled P-1, P-2, etc. Evidence submitted by the department will be labeled D-1, D-2, etc. Evidence may be stipulated and entered as S-1, S-2, etc.
10. Following the hearing and within a reasonable time after opportunity to review, study and analyze the evidence presented, the board shall make its written findings and issue its order. In the event the board chooses to designate an ad hoc committee of its members to hear the evidence, such committee will within thirty (30) working days of the conclusion of the hearing, after opportunity to review, study and analyze the evidence presented, make its written findings and recommendation to the board, which will act upon such recommendation at its next scheduled meeting. The decision of the board is final.
11. If a decision is adverse to the district, the district has the right of appeal to Chancery Court under the provisions of 37-45-51 and 37-47-67.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 11/1992)*