

DEPARTMENT OF EDUCATION
SUPERINTENDENT OF PUBLIC INSTRUCTION
HEARINGS

(By authority of Act No. 197 of the Public Acts of 1952, as amended, being S24.101 et seq. of the Michigan Compiled Laws)

R 349.291 Procedure for conducting hearings.

Rule 1. (1) Notification of any hearing before the superintendent of public instruction will be by registered mail, and will state the date, time, place, issues involved and reasons for holding said hearing. Such notice will be mailed at least 15 days prior to said hearing. Unless indicated otherwise, all hearings will be held in the office of the Superintendent of Public Instruction, Capitol Building, Lansing, Michigan.

(2) When an appearance is made at a hearing, it shall be made either in person or by a duly authorized representative, or by counsel.

(3) The person or persons who have been served with a notice of hearing may, at his option, file a written answer thereto prior to the date set for hearing, or at said hearing may appear and present an oral statement on the charges contained in the notice of hearing. When written briefs or arguments are presented, a copy shall be served upon the superintendent of public instruction and opposite parties at least 10 days prior to the date set for the hearing.

(4) If the person or persons who have been previously served with a notice of hearing fail to appear at a noticed hearing, the superintendent of public instruction may proceed with a hearing of the cases brought before him and may, on the evidence presented, make his decision.

(5) When a hearing is requested, the party requesting the hearing shall submit in writing a fair and accurate statement of the facts to the superintendent of public instruction and all interested parties. The facts shall be accepted as evidence unless a written answer is filed denying said facts and stating new facts relied upon with the superintendent of public instruction and all interested parties.

(6) No hearing shall be adjourned or continued, except upon an order of the superintendent of public instruction or the department employee conducting the hearing. All motions and requests for an adjournment, or a continuance, shall be in writing, which instrument shall state concisely the reasons why an adjournment or continuance is necessary. No motion or request for an adjournment or continuance will be considered unless the same is filed with the superintendent of public instruction at least 5 days prior to the date assigned for the hearing of the application, complaint or petition, except upon order of the superintendent of public instruction, which exception will be granted only upon a showing that for reasons not within the control of the person or party making the motion or request, the motion or request could not be filed within the time limited.

(7) The parties to any hearing before the superintendent of public instruction may, by a stipulation in writing filed with the superintendent of public instruction, agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence on the hearing. Parties are requested to thus agree upon the facts whenever practicable.

(8) Depositions shall only be taken upon written authority of the superintendent of public instruction where it is proved in writing to the superintendent of public instruction that it is impractical or impossible to otherwise obtain the evidence. Where depositions are permitted, they shall be taken according to the rules for taking depositions in civil cases in the state of Michigan, being Michigan Statutes Annotated, S27.854 et seq., with all parties giving an opportunity to cross-examine the witness under oath.

History: 1954 AC; 1979 AC.