

DEPARTMENT OF EDUCATION  
SUPERINTENDENT OF PUBLIC INSTRUCTION  
SUPERINTENDENT OF PUBLIC INSTRUCTION HEARINGS

Filed with the secretary of state on June 10, 2022

This rule takes effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By the authority conferred on the superintendent of public instruction by section 33 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, and Executive Reorganization Order No. 1996-6, MCL 388.993)

R 349.291 of the Michigan Administrative Code is amended as follows:

R 349.291 Procedure for conducting hearings before the superintendent of public instruction.

Rule 1. (1) The superintendent of public instruction or designee shall send a notice of hearing before the superintendent of public instruction or designee to all interested parties by certified mail, return receipt requested. The notice of hearing must state the date, time, and place of the hearing, the manner in which the superintendent of public instruction or designee will conduct the hearing, including, but not limited to, an in-person format or a virtual format, the issues involved, and the reasons for holding the hearing. The superintendent of public instruction or designee shall send the notice of hearing at least 20 days before the date scheduled for the hearing. Unless indicated otherwise in the notice of hearing, the superintendent of public instruction or designee shall hold the hearing in the offices of the superintendent of public instruction in Lansing, Michigan.

(2) A person may appear at a hearing under this rule in person, by a duly authorized representative, or by counsel.

(3) A person who receives a notice of hearing under this rule may do 1 or both of the following:

(a) At least 10 days before the date of the hearing, file with the superintendent of public instruction or designee, and serve on all interested parties, a written answer to the notice of hearing or a brief addressing the issues identified in the notice of hearing.

(b) At the hearing, present an oral statement addressing the issues identified in the notice of hearing.

(4) If a person to whom the superintendent of public instruction or designee sends a notice of hearing under this rule fails to appear at the hearing, the superintendent of public instruction or designee may proceed with the hearing and issue a decision based on the evidence presented.

(5) A person requesting a hearing before the superintendent of public instruction shall file in writing with the superintendent of public instruction, and shall serve on all

interested parties, a statement of the reasons for the request and a fair and accurate statement of the relevant facts. An interested party may file with the superintendent of public instruction a written response to the statement of the reasons for the hearing and the statement of facts and shall serve the response on all interested parties.

(6) A motion for adjournment of a hearing under this rule must be in writing and must state the reasons why an adjournment is necessary. The moving party shall file the motion for adjournment with the superintendent of public instruction or designee not less than 5 days before the scheduled hearing unless the superintendent of public instruction or designee finds good cause for filing the motion at a later date.

(7) The parties to a hearing under this rule may, by a stipulation in writing filed with the superintendent of public instruction or designee, agree on the facts or any portion of the facts involved in the matter.

(8) The parties to a hearing under this rule may submit evidence in the form of depositions if the superintendent of public instruction or designee finds that it is impractical or impossible to obtain the evidence in another manner. If the superintendent of public instruction or designee allows depositions, MCR 2.301 to 2.308 and MCR 2.315 apply.

(9) As used in this rule:

(a) "File" means to send by mail, email, or facsimile or deliver in person. For purposes of filing under this rule, the address for mail and personal delivery is: Office of Administrative Law, Michigan Department of Education, P.O. Box 30008, 608 W. Allegan Street, Lansing, MI 48909. The email address is: MDE-SuperintendentAppeals@michigan.gov, and the facsimile number is: 517-241-6987.

(b) "Person" means an individual, partnership, association, corporation, limited liability company, limited liability partnership, governmental subdivision, or public or private organization of any kind.

(c) "Serve" means to send by mail, email, or facsimile or deliver in person.

(10) This rule is subject to Executive Reorganization Orders No. 2005-1, 2011-4, and 2019-1, MCL 445.2021, 445.2030, and 324.99923.