

200-RICR-30-15-3

TITLE 200 - BOARD OF EDUCATION

CHAPTER 30 - DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

SUBCHAPTER 15 - PROCEDURES

PART 3 - Rules Governing the Annulment of Certificates

3.1 Authority

This Part is promulgated pursuant to R.I. Gen. Laws § 16-11-4.

3.2 Purpose

The purpose of this Part is to set forth procedures for annulment of certificates.

3.3 Scope of Rules

This Part shall apply in cases concerning the annulment of certificates issued by the Rhode Island Department of Elementary and Secondary Education (RIDE) under R.I. Gen. Laws Title 16 and the Regulations Governing the Certification of Educators in Rhode Island (200-RICR-20-00-1).

3.4 Grounds for Annulment of Certificates

Certificates shall only be annulled upon the showing of good cause pursuant to R.I. Gen. Laws § 16-11-4(a).

3.5 Certificate Annulment Cases - Notice - Hearing - Records

In any certificate annulment case, all parties shall be afforded an opportunity for hearing after reasonable notice. All hearings shall be conducted in accordance with R.I. Gen. Laws Chapter 42-35.

3.6 Subpoenas

Subpoenas may be issued under R.I. Gen. Laws § 16-39-8.

3.7 Hearing Officers

Hearings shall be conducted by the Commissioner of RIDE, or his or her designee.

3.8 Combined Hearings

If it shall appear that in any appeal from a decision of a school committee to suspend or dismiss from employment a person possessing a certificate, cause may also exist for annulling said certificate, the Commissioner may, upon proper notice, order the consolidation of the appeal with a hearing on the annulment of said certificate.

3.9 Disposition of Matters Not Appealed to Commissioner

A copy of all decisions of school committees dismissing or suspending teachers, administrators or superintendents for reasons which may present good cause for annulling a certificate shall be forwarded to the Commissioner RIDE for his or her decision on whether a hearing on the annulment of said certificate shall be ordered.

3.10 Annulment Based Upon the Action of Another State

Rhode Island certificate may be annulled on the basis of a decision by any other state to revoke or annul a certificate. Another state's decision to revoke a certificate shall be conclusive on all issues of fact. The Rhode Island certificate holder shall be afforded an opportunity to explain or mitigate the annulment or revocation of certificate issued to him or her in another state.

3.11 Hearing on Refusal to Issue a Certificate

This Part will be used in any hearing wherein a party alleges that he or she has been refused a certificate and that he has a legal right to such a certificate. In such cases the burden of proof shall rest on the applicant to show his or her entitlement to the certificate sought.