

3512.2400 SUSPENSION AND REVOCATION OF LICENSES.

Subpart 1. **Cause.** The board may revoke or suspend the license of a superintendent, principal, or director for any of the following causes:

- A. immoral character or conduct;
 - B. a breach of contract of employment without justifiable cause;
 - C. overall gross inefficiency or willful neglect of duty;
 - D. fraud or misrepresentation in obtaining a license;
 - E. felony conviction which directly relates to the occupation for which licensure is held;
- or
- F. violation of the code of ethics for school administrators under part 3512.5200.

Subp. 2. **Procedure for suspension and revocation of licenses.** The board may suspend or revoke a person's license if the procedures in this subpart are followed.

A. A student, a parent, a community member, or the school board employing the licensee must file a written complaint with the board specifying the nature and character of the charges against the licensee.

B. The board must notify the licensee of the allegations in the complaint and give the licensee an opportunity to respond to the allegations.

C. Before suspending or revoking a license, the board must give the licensee notice of a right to a contested case hearing under Minnesota Statutes, chapter 14, following the process in part 3512.1600. A licensee must request a contested case hearing within 30 days of service of the ethics committee's notice of recommendation to suspend or revoke the license. If a licensee fails to timely request a contested case hearing, the board's decision to suspend or revoke the license shall be final.

Subp. 3. **Revocation.** Revocation includes the cancellation or repeal of a license or renewal privilege. Revocation disqualifies a person from performing any function permitted by holding a license issued under board rules. Revocation is final, except that a person whose license is revoked may petition the board for licensure under subpart 6.

Subp. 4. **Suspension.** Suspension includes the temporary withdrawal of a license or renewal privilege. Suspension disqualifies a person from performing any function permitted by holding a license issued under board rules. The board must determine the length of each suspension and attach any terms and conditions to the suspension after considering:

- A. the activity of the individual that led to the license suspension;
- B. any relevant mitigating factors provided by the individual;
- C. the prior administrative, supervisory, or teaching record of the individual; and

D. other similar factors.

Subp. 5. **Applicability.** Unless otherwise provided by the board, a revocation or suspension applies to each license or renewal privilege held by the individual at the time the board takes final action. The board must not issue any other license to a person whose license or renewal privilege is suspended or revoked during the pendency of the suspension or revocation.

Subp. 6. **Issuance of license after revocation.** A person whose license or renewal privilege was revoked by the board may apply for and may be issued an initial license after presenting reliable evidence that the person fulfilled all the terms and conditions the board imposed, and upon meeting current licensure standards.

Subp. 7. **Issuance or reinstatement of license after suspension.** A person whose license or renewal privilege was suspended by the board may apply to the board to have the license reinstated under this subpart.

A. If the person's suspended license is an initial license that lapsed during the suspension, the board must reinstate that license if the person:

- (1) properly applies to the board after the suspension expires;
- (2) presents reliable evidence that the person met all terms and conditions the board imposed; and
- (3) had less than one year of administrative or supervisory experience while holding the initial license.

If the person gained a year or more of experience on the initial license before the suspension and the license lapsed during the suspension, the board must issue a five-year continuing license after the person meets all other conditions stated in this part.

B. If the person's suspended license is an initial license that has not lapsed during the suspension, the person may resume administrative or supervisory functions for whatever period of time remains on that initial license after the suspension expires, provided that the person presents reliable evidence to the board that the person met all terms and conditions the board imposed as prerequisites for reinstatement.

C. If the suspended license is a continuing license that has not lapsed during the suspension, the person may resume administrative or supervisory functions for whatever period of time remains on the continuing license after the suspension expires, provided that after the person presents reliable evidence to the board that the person met all terms and conditions the board imposed as prerequisites for reinstatement.

D. If the suspended license is a continuing license that lapsed during the suspension, the person may apply for another continuing license. The board must issue the person a continuing license if:

- (1) the suspension is expired;

(2) the person presents reliable evidence that the person met all terms and conditions the board imposed; and

(3) the person completed the current continuing education requirements.

E. If the suspended license was a life license, the person may resume administrative or supervisory functions after the suspension expires and after presenting reliable evidence to the board that the person met all terms and conditions imposed by the board.

Statutory Authority: *MS s 122A.14; 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14; L 2006 c 263 art 2 s 20*

History: *21 SR 804; L 1998 c 397 art 11 s 3; 33 SR 658; 44 SR 1385*

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