

SUPREME COURT OF MISSISSIPPI

Danny Cowart v. Simpson County School Board

818 So. 2d 1176 (Miss. 2002) · No. 2001-CA-00250-SCT · Decided June 6, 2002

SUMMARY

The Mississippi Supreme Court held that Danny Cowart failed to timely appeal the Simpson County School Board's final decision terminating his employment. Because the statutory twenty-day appeal period had expired, the chancery court lacked jurisdiction to entertain Cowart's later motion for contempt or issue subsequent orders. The court vacated those orders and remanded with instructions to dismiss the post-decision motions with prejudice.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Cobb, Justice; Smith, P.J.; Waller, J.; Cobb, J.
JURISDICTION	Mississippi
DECIDED	June 6, 2002
DOCKET	2001-CA-00250-SCT
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Cowart appealed the Mississippi chancery court's final judgment upholding the school board's termination decision. The school board cross-appealed issues concerning the timeliness of Cowart's appeal and the chancery court's jurisdiction.
STANDARD OF REVIEW	Review of a school district employment decision is limited to whether the board's decision was supported by substantial evidence, was arbitrary or capricious, was beyond the board's power, or violated a statutory or constitutional right. The reviewing court does not substitute its judgment for that of the hearing officials.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; precedential.
PARTIES	Danny Cowart v. Simpson County School Board

TOPICS

- employment law
- administrative law
- appellate procedure
- final judgment rule
- due process

PRACTICE AREAS

Employment law

Administrative law

Appellate procedure

Civil procedure

Constitutional law

QUESTIONS PRESENTED

1. Whether the chancery court retained jurisdiction after remanding the matter to the school board for a rehearing.
2. Whether Cowart's failure to appeal the school board's December 21, 1998, final termination decision within the statutory twenty-day period deprived the chancery court of jurisdiction.
3. Whether the chancery court's judgment and subsequent orders entered after the board's final decision were nullities.

HOLDINGS

1. The chancery court had no authority to retain jurisdiction over the matter while it was remanded to the school board for a rehearing.
2. Because Cowart did not appeal the board's December 21, 1998, final termination decision within the twenty-day period required by Mississippi Code section 37-9-113, the chancery court lacked jurisdiction to entertain his later contempt motion or other subsequent motions.

KEY QUOTATIONS

"Pursuant to the statute, the chancellor has no authority to retain jurisdiction over a matter he has remanded for a rehearing before the school board, nor does he cite any authority for doing so." (818 So. 2d at 1180)

"The Board's decision after the second hearing was a 'final decision,' not an advisory opinion." (818 So. 2d at 1180)

"Therefore, the Board's final decision of December 21, 1998, is final, and all subsequent orders issued by chancery court subsequent to that final decision are a nullity." (818 So. 2d at 1181)

FACTUAL BACKGROUND

Danny Cowart was a teacher, coach, and athletic director employed by the Simpson County School Board. After an altercation with the principal of Magee High School, the superintendent recommended Cowart's termination, and the board terminated his contract after an initial hearing. The chancery court found that the superintendent's participation in the board's executive deliberations denied Cowart due process and ordered a rehearing. After a second hearing conducted with a hearing officer, the board again terminated Cowart effective December 21, 1998.

PROCEDURAL HISTORY

The school board initially terminated Cowart's employment after a hearing. The chancery court found due-process defects, granted a stay, and remanded for a rehearing before the board with a hearing officer. After the second hearing, the board again terminated Cowart effective December 21, 1998, but Cowart did not appeal that final decision to the chancery court within twenty days; instead, he filed a contempt motion. The chancery court

later entered judgment upholding the termination, and the Supreme Court vacated that judgment and subsequent orders for lack of jurisdiction.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the chancery court's judgment and all orders entered after the school board's December 21, 1998, final decision. Remand with instructions to dismiss with prejudice Cowart's February 19, 1999, contempt motion and all other motions filed after December 21, 1998, for lack of jurisdiction.

CASES CITED

- Hoffman v. Board of Trustees, 567 So. 2d 838, 842 (Miss. 1990)
- Bowman v. Ferrell, 627 So. 2d 335 (Miss. 1993)

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