

Chapter 249. Disciplinary Proceedings, Sanctions, and Contested Cases

Subchapter D. Hearing Procedures

Statutory Authority: The provisions of this Subchapter D issued under the Texas Education Code, §§21.031(a); 21.035; 21.040(6) and (7); and 21.041(a) and (b)(1) and (7); Texas Government Code §§201.058(a); and Texas Occupations Code, §§53.024 and §53.051, unless otherwise noted.

§249.30 Notice of Hearing

- (a) The notice of hearing is governed by the Texas Government Code, Chapter 2001; 1 Texas Administrative Code, Part 7, Chapter 155 (relating to Rules of Procedure); and this chapter.
- (b) The Texas Education Agency (TEA) staff may serve the notice of hearing by sending it certified, return receipt requested, and regular first-class United States mail to the party's last known address.
- (c)

§249.33. Use of Deposition Transcripts in Contested Case Hearings

The use of deposition transcripts in contested case hearings shall be governed by Rule 203 of the Texas Rules of Civil Procedure. The terms "court proceedings" and "trial" used in Rule 203 are deemed to refer to "contested case hearing(s)" for purposes of applying this section and Rule 203 to contested case hearings before the State Office of Administrative Hearings.

- (1) If a respondent has failed to timely file a written answer or a petitioner in an administrative denial case has failed to timely file a petition, TEA staff will provide the certificate holder or applicant with a notice of default specifying the factual and legal basis for imposing the proposed sanction at least 30 calendar days prior to presenting a motion for default to the SBEC. It is a rebuttable presumption that the notice was served on the certificate holder or applicant no later than five calendar days after mailing.
- (2)