

ATTACHMENT V
Text of Adopted Amendments to 19 TAC

Subchapter DD. Hearings Conducted by Independent Hearing Examiners

§157.1101. Rates of Independent Hearing Examiners.

- (a) (No change.)
- (b) An independent hearing examiner is eligible to receive a maximum compensation of \$10,000 ~~[\$8,000]~~ for each case. This amount may not be increased.
- (c) While conducting a hearing, an independent hearing examiner is entitled to receive per diem and expenses at rates established by the State of Texas for overnight travel related to official state business. Per diem includes food, lodging, and transportation. (See <https://fmx.cpa.state.tx.us/fm/travel/travelrates.php>)
- (d) An independent ~~[A]~~ hearing examiner is entitled to reimbursement for expenses directly related to the hearing ~~[i]~~ such as long distance telephone calls, postage to the parties or to the commissioner of education, cost of copies, or facsimiles. An independent ~~[A]~~ hearing examiner may not be reimbursed for expenses arising from legal research ~~[i]~~ such as computerized legal research services. An independent ~~[A]~~ hearing examiner may not be reimbursed for expenses related to acquiring research materials or for registration fees to attend required continuing legal education seminars and conferences.
- (e) All billings and claims for reimbursement shall be prepared pursuant to this section and shall be presented to the school district for payment. Compensable hourly services shall be billed in quarter-hour increments. An independent hearing examiner may not be compensated for services rendered by any other person.

§157.1102. Assignment of Independent Hearing Examiners.

- (a) The Texas Education Agency (TEA) division responsible for hearings and appeals ~~[Division of Hearings]~~ shall notify an independent hearing examiner by facsimile that he or she has been assigned a hearing. The independent hearing examiner shall, by return facsimile to the division within 72 hours, acknowledge the assignment and indicate whether he or she is able to accept the assignment. The division shall notify the parties to the hearing of the assignment.
- (b) If the independent hearing examiner is unable to accept the assignment, the independent hearing examiner shall notify the TEA division responsible for hearings and appeals ~~[Division of Hearings]~~ by telephone or facsimile as soon as possible within 72 hours after the assignment.
- (c) Failure to comply with subsection (b) of this section shall result in the case being assigned to another independent hearing examiner.

§157.1103. Report of the Independent Hearing Examiner.

- (a) Within ten calendar days after issuing proposed findings of fact and conclusions of law, the independent hearing examiner shall submit the findings and conclusions, along with any recommended relief, to the commissioner of education [on a diskette] .
- (b) The recommendation shall be transmitted as an attachment to an email and a scanned copy or a paper copy of the signature page shall be submitted to complete the filing.
- ~~[(b) — The diskette shall be submitted in one of the following formats: ASCII, Microsoft Word Version 5.0 or higher, or WordPerfect Version 5.0 or higher.]~~
- ~~[(c) — A paper label that lists the Texas Education Agency (TEA) docket number, name of the examiner, the dates of the hearing, and the names of the teacher and the school district shall be affixed to the diskette.]~~