

Certification granted _____

Certification denied _____

Date _____

TEXAS EDUCATION AGENCY
Application for Certification as an
Independent Hearing Examiner

GENERAL INFORMATION

1. Applicant's Name: _____

2. Office Address designated for the purposes of accepting appointments as an independent hearing examiner and from which proximity to hearings locations will be determined for travel purposes: _____

3. Office Telephone Number(s) designated for the purposes of accepting appointments as an independent hearing examiner and communications concerning hearings: _____

4. Office Facsimile Number(s) designated for the purposes of accepting appointments as an independent hearing examiner and communications concerning hearings: _____

5. Office email address designated for purposes of receiving communications from the agency: _____

6. State Bar of Texas License Number: _____

7. Year Licensed by the State of Texas: _____

8. Have you been convicted, given probation (whether through deferred adjudication or otherwise) or fined for a felony, a crime of moral turpitude or a crime that directly relates to the duties of an independent hearing examiner in the public-school setting?

_____ Yes _____ No

If your answer is yes, provide full details of the criminal action, including cause number, copies of judgment, probation orders, stipulations of evidence, and judicial confession on a separate sheet.

9. Please describe the areas of your practice for the last three years, assigning a percentage of your time you spent on an annual basis to each area of law you practice.

10. Please describe your experience in the last three years in the area of litigation, specifying cases in which you spent a total of 10% of your practice taking substantial responsibility for taking part in the various processes of a contested evidentiary proceeding and in which at some point you personally propounded and/or defended against questions put to a witness under oath.

REPRESENTATIONS AND ASSURANCES

(Initial at the beginning of each representation or assurance to signify that you are making the statement)

_____ 1. I represent that I and the law firm with which I am associated do not serve as an agent or representative of a school district, a teacher in any dispute with a school district, or an organization of school employees, school administrators, or school boards.

_____ 2. I represent that I am of good moral character and have not been convicted, been given probation (whether through deferred adjudication or otherwise), or fined for a felony, a crime of moral turpitude, or a crime that directly related to the duties of an independent hearing examiner in a public school setting.

_____ 3. I represent and assure that I am currently licensed as an attorney by the State of Texas and that I am a member in good standing of the State Bar of Texas.

_____ 4. I represent and assure that within the last five years, my State of Texas bar license has not been reprimanded, either privately or publicly.

_____ 5. I represent and assure that within the last five years, my State of Texas bar license has not been suspended, either probated or otherwise.

_____ 6. I represent and assure that within the last five years, my State of Texas bar license has not been revoked.

_____ 7. I represent and assure that I have engaged in the practice of law on a full-time basis, as defined by the Texas Board of Legal Specialization, for at least five years.

_____ 8. I represent that during the three years immediately preceding this application, I have devoted a minimum of 50% of my time practicing law in some combination of the following areas, civil litigation, administrative law, school law, or labor law, with a total of 10% of my practice involving substantial responsibility for taking part in a contested evidentiary proceeding, convened pursuant to law, in which I personally propounded and/or defended against questions put to a witness under oath.

_____ 9. I represent, if certified, I will seek and receive credit for three hours of continuing legal education in the area of school law and seven hours of civil trial advocacy during the calendar year in which I am certified.

_____ 10. I represent that I currently maintain an office or offices within the state of Texas.

_____ 11. I represent that the telephone and facsimile numbers and the email address listed above provide messaging services during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

_____ 12. I agree to attend meetings of independent hearing examiners in Austin, Texas, at my expense.

_____ 13. I agree to comply with all reporting and procedural requirements established by the commissioner of education.

_____ 14. I agree to comply with all requirements of the commissioner regarding allowable fees and costs to be charged as an independent hearing examiner.

_____ 15. I understand that certification as an independent hearing examiner expires on December 31 of each calendar year and that reapplication is required to continue as an independent hearing examiner.

_____ 16. Upon directive from the agency and as a condition of continued certification, I agree to submit all information required for the mandatory national criminal history check for inclusion in the Department of Public Safety's education clearinghouse database; information will include, but is not limited to social security number, date of birth, Texas drivers' license number, home address and current email address.

CONTINUING DUTIES

(Initial at the beginning of each statement to signify that you will perform the duties described)

_____ 1. If selected as a certified examiner, I acknowledge that I have the continuing duty to disclose to the commissioner grievance matters which result in the reprimand, either publicly or privately, suspension, either probated or otherwise, or revocation of my bar license. I acknowledge that failure to report these matters at any time constitutes grounds for rejecting an application or removal as a certified examiner.

_____ 2. If selected as a certified examiner, I acknowledge that I have the continuing duty to disclose criminal matters that result in conviction, probation (whether through deferred adjudication or otherwise) or fine for a felony, a crime of moral turpitude or a crime that directly relates to the duties of an independent hearing examiner in the public school setting. I acknowledge that failure to report these matters at any time constitutes grounds for rejecting an application or removal as a certified examiner.

_____ 3. If selected as a certified examiner, I acknowledge that I have the duty to attend agency-sponsored training sessions in Austin, Texas and to attend three hours of continuing legal education in school law and seven hours of continuing legal education in civil trial advocacy, including seminars in evidence, discovery and civil procedure each year in order to maintain my certification.

RELEASE OF INFORMATION TO TEXAS EDUCATION AGENCY

I hereby authorize appropriate institutions to furnish relevant documents and information necessary in the investigation of this application, including information regarding grievances maintained by the State Bar of Texas and my sworn attestation below releases all institutions from liability for providing information to the Texas Education Agency. _____

VERIFICATION

Before me, the undersigned authority, personally appeared _____, who, being by me duly sworn, stated as follows:

My name is _____. I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

Each and all of the answers, representations, assurances and agreements made in this Application for Certification as an Independent Hearing Examiner is true and correct and based upon my personal knowledge. I will comply with all representations and requirements of the commissioner with regard to my certification as an independent hearing examiner.

APPLICANT

SWORN TO and subscribed before me on the ____ day of _____, 2020.

SIGNATURE OF NOTARY PUBLIC,
State of Texas

My commission expires

PRINTED NAME: