

Effective August 1, 2000

505-6-.04 OFFICE OF STATE ADMINISTRATIVE HEARINGS (OSAH) HEARINGS

Request for Hearing - To contest the Commission's proposed disciplinary sanction, an educator must request a hearing within thirty (30) calendar days after service of notice of the Commission's probable cause finding and proposed sanction.

(a) A request for hearing is defined as a clear written expression by the educator or his/her authorized representative that the educator wants the opportunity to contest the Commission's proposed sanction. Said written expression must be mailed, transmitted by facsimile, or personally delivered to the Professional Practices Section of the Commission within thirty (30) calendar days after service of notice of the Commission's probable cause finding and proposed sanction.

(b) If the educator timely requests a hearing, an opportunity for hearing shall be afforded the educator as provided in O.C.G.A. §50-13-41.

(c) The failure of an educator to request a hearing within thirty (30) calendar days after service of notice of the Commission's probable cause finding and proposed sanction shall operate as a waiver of the educator's right to contest the proposed sanction and the proposed sanction shall become the final decision of the Commission.

(2) **Extended Time for Request** - The Commission may, in the exercise of its discretion for good cause shown, allow a request for hearing to be made beyond the thirty (30) calendar day period.

(a) A petition to allow a request for hearing to be made beyond the thirty (30) calendar day period must be made in writing, must contain the information required by O.C.G.A. §50-13-9.1, and must contain a statement clearly outlining why the request for hearing was not timely made. Although the Commission may grant an oral hearing regarding a petition for late filing, the Commission may consider the petition based solely upon the written submission of the educator or his/her authorized representative.

(3) **Denial or Dismissal of Hearing Requests** - A request for hearing may be denied or dismissed for the following reasons:

(a) the Commission may deny or dismiss a request for hearing if it has been withdrawn by the educator or if the educator or his/her authorized representative does not submit a written request for hearing within thirty (30) calendar days after service of notice of the Commission's probable cause finding and proposed sanction;

(b) The Administrative Law Judge may deny or dismiss a request for hearing pursuant to the Rules of the Office of State Administrative Hearings if it has been withdrawn by the educator or if the educator fails to appear at a hearing scheduled by the Office of State Administrative Hearings for such educator.

(4) **Filing of Answer** - Within thirty (30) calendar days after service of the Notice of Hearing issued by the Administrative Law Judge of the Office of State Administrative Hearings, the educator must, under oath, answer and respond by filing an Answer with the Office of State Administrative Hearings either admitting, claiming insufficient knowledge to admit or deny, or denying each and every allegation contained in the Statement of Matters Asserted attached to the Notice of Hearing. If represented by counsel, the answer may be filed by the educator's counsel and need not be verified under oath by the educator.

(a) All allegations which are not specifically answered are deemed to be admitted.

(b) All allegations which the educator claims to have insufficient knowledge to admit or deny are deemed to be denied.

(c) The failure of the educator to answer and respond as set forth above may be grounds for the Administrative Law Judge to enter a default order against the educator pursuant to the rules of the Office of State Administrative Hearings.

Authority O.C.G.A. 20-2-982; 20-2-984; 20-2-200; 20-2-984.5; 50-13-9.1; 50-13-13; 50-13-17; 50-13-18; 50-13-40; 50-13-41